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NATURAL  
HISTORY

# ABERYSTWYTH STUDIES

BY

MEMBERS OF THE UNIVERSITY  
COLLEGE OF WALES

VOL. VI



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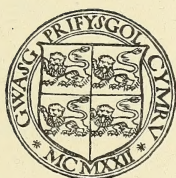
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## ΜΗΚΟC AND ΧΡΟΝΟC: THE 'UNITY OF TIME' IN ANCIENT DRAMA

'EPIC poetry,' says Aristotle,<sup>1</sup> 'agrees with Tragedy in so far as it is an imitation in verse of characters of a higher type. They differ, in that Epic poetry admits but one kind of metre, and is narrative in form. They differ again, in length; for Tragedy endeavours, as far as possible, to confine itself to a single revolution of the sun, or but slightly to exceed this limit; whereas the Epic action has no limits of time. This, then, is a second point of difference; though at first the same freedom was admitted in Tragedy as in Epic poetry.'

On this simple statement of fact, for it is nothing more, and on a few references or allusions to it in later writers,<sup>2</sup> rests the whole 'law' of the Unity of Time. Butcher<sup>3</sup> sums up the true Aristotelian doctrine excellently.

'No strict rule is here laid down. A certain historical fact is recorded—a prevailing, but not an invariable usage. Even in the developed Attic drama several exceptions to the practice are to be found. . . . The interval covered by a choral ode is one whose value is just what the poet chooses to make it. While the time occupied by the dialogue has a relation more or less exact to real time, the choral lyrics suspend the outward action of the play. . . . What happens in the interval cannot be measured by any ordinary reckoning; it is as much or little as the needs of the piece demand. . . . The imagination travels easily over many hours; and in the Greek

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<sup>1</sup> Butcher's translation, in *Aristotle's Theory of Poetry and Fine Art* (London, 1895). The text runs thus, with a corrupt reading which fortunately does not affect the question of the 'unity of time': ἡ μὲν οὖν ἐποποιία τῇ τραγωδίᾳ μέχρι μόνου μέτρου μετὰ λόγον (so the MSS.: μέχρι μὲν τοῦ μέτρου Tyrwhitt, μέχρι μὲν τοῦ διὰ μέτρου μεγάλου Bywater, μέχρι τοῦ διὰ λόγον ἐμμέτρου Butcher) μίμησις εἶναι σπουδαίων ἡκολούθησεν τῷ δὲ τὸ μέτρον ἀπλοῦν ἔχειν καὶ ἀπαγγέλλαν εἶναι, ταύτῃ διαφέρουσιν· ἔτι δὲ τῷ μήκει (length of the poem),—ἡ μὲν ὅτι μάλιστα πειρᾶται ὑπὸ μίαν περίοδον ἡλίον εἶναι ἢ μικρόν ἐξαλλάττειν, ἡ δὲ ἐποποιία ἀόριστος τῷ χρόνῳ (length of time occupied by the events),—καὶ τοῦτο διαφέρει, καίτοι τὸ πρὶν ὁμοίως ἐν ταῖς τραγωδίαις τοῦτο ἐποίουν καὶ ἐν τοῖς ἔπεσιν.—*Poetics*, 1449b, 9–16.

<sup>2</sup> As Dio Chrysostom *Or.* lii, p. 159, 20, Dindorf; Scholiast on Aesch., *Agam.* 505 (Vol. III, p. 506, of Dindorf's *Aeschylus*, Oxford, 1851).

<sup>3</sup> *Op. cit.* p. 269.

drama the time that elapses during the songs of the Chorus is entirely idealized.'

How true the statement about the effect of the choral odes is one may see by a glance at Sophokles' *Antigone*. At the first entry of the Chorus they hail the rising sun in a fine ode (v. 100 *sqq.*). In verses 333-83 they sing again. At verse 384 a guard enters, bringing Antigone with him. He mentions (v. 415 *sqq.*) that her capture took place about noon. The colloquy therefore between Antigone and Ismene with which the play begins must be supposed to take place in the early morning twilight; from that time to verse 384 some six or seven hours have elapsed. But the dialogue up to this point, from the beginning of the play, requires only half an hour or so to deliver. The choral odes then represent the passage of five and a half to six and a half hours. Nor is this an isolated example. Leaving out of count the plays, to be considered later, in which the action takes longer than a day, in the *Electra* of Euripides the choral ode, 699-746, is supposed to cover the time of the long series of events which some eighty lines (774-855) are consumed in relating; Orestes and his companions walk some distance, meet Aigisthos, talk with him, join in a sacrifice, discuss with him the omens given by the entrails, murder him, fight for a short time with his attendants, parley with the latter, are recognised by one of them, receive their greetings and homage, and send off the messenger (an old man) who tells the story. In the *Bacchae*, an ode of less than fifty lines (977-1024) covers the journey of Pentheus from Thebes to Mount Kithairon, his adventures with the Bacchantes which end in his death, and the return of one of his attendants with the story.

It is clear therefore that the time actually taken by a choral ode, like that which elapses between the lowering and raising of the curtain in a modern play, is not necessarily the same as the time which is supposed to elapse between one epeisodion, or act, and the next.

'Il y eut,' as Croiset well says,<sup>1</sup> 'entre ces actes des espaces de temps absolument arbitraires, que les stasima (the choric odes) remplissaient sans les mesurer. . . . Le même temps appariant n'a pas la même valeur pour les divers acteurs de la pièce, ce qui revient à dire

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<sup>1</sup> *Histoire de la littérature grecque*, III (second ed.), pp. 131-2.

qu'entre les deux episodes la notion même du temps est comme suspendu.'

It now remains to be asked how long this ideal time might be, whether limited to hours or capable of extension to days, months, or longer. It will appear from an examination of the earliest surviving plays, and to some extent of the later ones which have come down to us, that the latter alternative is the true one.

Before, however, proceeding to a study of the texts I must dispose of an *a priori* argument for the existence of the twenty-four hour limit in Greek drama which has been long repeated from one manual to another in the usual parrot-fashion of textbooks. This is, that the chorus is the reason for the observance of the supposed pair of unities of Time and Place. Since, it is argued, the whole action or nearly the whole takes place in presence of an unchanging body of spectators, it would be too great a strain on the audience's imagination to ask them to suppose that the same little party of people has been standing there for days or months, or that they have travelled a hundred miles in the last few minutes. Therefore, unless the chorus leaves the stage and comes back again, as in the *Eumenides* of Aeschylus, the *Ajax* of Sophokles, the *Alkestis* of Euripides, and the *Ecclesiazusae* of Aristophanes, no change of scene takes place. So also, unless a plausible reason can be assigned for bringing the same party of people together at a later date (as in the *Eumenides*, where the chorus consists of the avenging spirits who pursue Orestes from place to place), the lapse of time is no more than that for which one might suppose an interested crowd, or a party of guards on duty or the like, to stay together, namely, a day or less. I am of opinion, after long holding the orthodox view, that this is no sufficient reason for the supposed influence of the chorus on the duration of the action.

There are, it is true, a few plays, such as the *Supplices* of Aeschylus and Euripides' play of the same name, the *Eumenides* of Aeschylus, the *Bacchae* of Euripides, the *Lysistrata* and *Thesmophorizusae* of Aristophanes, in which the chorus are to some extent at least the centre of the whole action, and everything depends upon their personality. Replace the daughters of Danaos, in Aeschylus, with a number of other persons in distress, and the whole motive of the action is gone; remove the Erinyes,

and Orestes has no one to be afraid of ; let Euripides' choruses consist respectively of others than the bereaved women with the aged king Adrastos, and the followers of Dionysos, and the plots could indeed go forward, but under difficulties ; in Aristophanes, the choruses consist of the women whose radical action brings about the farcical change in the political situation. But in most plays no such importance is attached to the number or identity of the persons composing the chorus. They are simply, except for their singing, the 'citizens, guards, priests, soldiers, etc.' who bring up the rear of so many modern lists of *dramatis personae*. Nothing whatsoever depends upon their being the same individuals from beginning to end. Thus, in the *Hippolytos* of Euripides, they are simply a few stray enquirers after the health of the unfortunate queen ; in the *Medea*, again, a handful of sympathetic callers ; in the *Phoenissae*, temple-servants of Apollo on their way to their new place of employment, who happen to be at Thebes when it is attacked by the Seven. In a poet who connects his chorus more closely with his plot than Euripides, we still find no insistence on either personality or number ; the chorus of the *Oedipus Rex* of Sophokles consists of old men—any old men—of Thebes ; their business is to represent the distressed population in general. If Sophokles had seen fit to make the play last weeks instead of hours, we should have had to assume, not that the same small band of elders waited outside the royal palace day and night, but simply that there were always some or other of the people near the king's door, waiting anxiously to hear what steps were to be taken for staying the plague. In those plays in which the chorus does form a corporate body, there is some reason given or implied for their continued appearance. Thus Lysistrata and her followers, in Aristophanes, have seized the Akropolis, which they do not leave till the conclusion of the play ; the chorus of the *Agamemnon* consists of the royal council, which we may imagine meeting again and again as easily as, in *Pinafore*, we can suppose the same ship's crew to assemble more than once on deck ; and so on with other plays, such as the *Eumenides*, in which the chorus is something more than a stage crowd and the action lasts more than the traditional 'revolution of the sun.'

Nothing can show more clearly how vaguely the chorus is conceived than the fact that its number never varies. That

it always consisted of twelve persons (fifteen in comedy) is certain for the period with which we are dealing, *i.e.* that of developed tragedy.<sup>1</sup> These twelve persons have to represent, perhaps with the addition of some supernumeraries, the fifty daughters of Danaos with their handmaidens<sup>2</sup>; whereas in the Euripidean *Supplikes* they represent but five women, the mothers of those of the Seven whose bodies lie unburied,<sup>3</sup> though we may suppose if we like that a few attendants or sympathetic Athenians are also present. Usually, then, the chorus is simply an audience—the general public, or some section thereof. Their presence indicates that *somebody*, not this or that individual, hears, sees, and comments on the events.

The chorus, then, can exercise no such compelling force as has been imagined upon the dramatic length of the action, the *χρόνος* of the play. There was another and a much better reason for the shortness of the time generally supposed to elapse between the beginning and the end of the drama, and that was the Greek fondness for concentrated effect. This is visible in the whole of their art. A procession, in their most ambitious sculptures, is regularly represented (as on the Parthenon frieze) by a comparatively small number of typical figures in single file, or perhaps two deep (Hellenistic, especially Pergamene art, began to use more perspective and show the characters several deep). A battle is indicated by a few single combats; a wood, by one or two trees; water, by a wavy line and a fish or two; a crowd, by two or three carefully drawn attendants or soldiers. So in their drama, the eventful life of an Oedipus or an Agamemnon is represented by one or two episodes told at length, and brief narration of or allusion to such other events as may be necessary to the comprehension of those shown. This effect is best produced if the chosen incidents are shown crowded into the space of a few hours, or—what comes to much the same—if the time between them is simply neglected, and its passage indicated in the briefest possible way. The same technique for the same reason is often to be found in such

<sup>1</sup> See, *e.g.*, Reisch in Pauly-Wissowa, s.v. *Chor*, col. 2390.

<sup>2</sup> Aesch., *Suppl.* 320, 1022; see Reisch, *ibid.*, and Tucker, p. xvi of his edition of the play. The statement of Pollux, IV, 109, that there were originally 50 choreutae, is vague and unsupported, and very likely a mere deduction from the number of the dithyrambic chorus.

<sup>3</sup> Adrastus was not killed and Amphiaraios was swallowed up in the earth.

modern plays as those of Ibsen. If it is thought desirable to tell a long-continued story, like that of *A Winter's Tale*, the trilogy is always available, at least in Aeschylus. As Perdita is a baby in one act, a marriageable girl in another, so Orestes, a little boy in the *Agamemnon*, is a stalwart young man in the *Choephoroe*. Within the play there is never so great a lapse of time as would, by itself, account for a considerable difference in any character; thus we never find that the petulant youth of the first act has become the experienced man of the last scene.<sup>1</sup>

Naturally, in Greek drama or in any other, we cannot expect an author, in the heat of composition, always to remain consistent with himself in the matter of time or anything else. It has well been pointed out, first I think by the late Professor Campbell in his edition of the *Antigone*, that the indications of time in that play are self-contradictory. In the opening chorus we are given to understand that the decisive battle and rout of the Argive army, together with the death of King Eteokles, took place the day before. Kreon, therefore, has been king for a few hours only, and the neglected corpse of Polyneikes has lain on the battlefield for something less than a day. Yet the body is apparently in an advanced stage of decomposition, verses 410-12; Teiresias talks as if the results of Kreon's harshness towards the dead were already widely known, 1080 *sqq.*; and Kreon himself (993) speaks as if he had for some considerable time ruled himself by the advice of the old seer, who replies, 'Therefore thou didst guide this state on even keel,' all of which would seem to imply that the defeat of the Seven is not hours, but days or months old. Very similar is the confusion which exists in *Othello* as to the length of the stay of the principal characters in Cyprus. But these are trifles which do not affect the action; it makes not the smallest difference whether Cassio attacks Roderigo the night of his arrival in Cyprus, or a week

<sup>1</sup> This does not of course mean that no development of character takes place at all. The Admetos of the closing scenes of Euripides' *Alkestis* is a very different person from the despicable coward of the opening episode; this is psychologically just and effective, for the death and resuscitation of his wife have revolutionised his whole being. So in Shakespeare, Romeo, who in the first act is a sentimental young fop, in the churchyard scene, a few days later, addresses Paris in the tone of an experienced elder, 'Good gentle *youth*, tempt not a desperate man.'

later; and Antigone's defiance of Kreon is just as significant if he has been an hour or a year on the throne.

I now proceed to analyse the surviving ancient plays, both tragic and comic, with a view to ascertaining how long a time the events recorded in them are supposed to take.<sup>1</sup>

If we begin with Aeschylus, we find that, in full accordance with Aristotle's remarks, he observes the 'unity of Time' in two only of the seven plays which have come down to us. The action of the *Supplikes* lasts but one day. At the beginning, the Danaides and their father enter; after the long opening chorus and a short dialogue, the King of Argos enters, hears their story, and refers their request for succour to the Argive assembly. Danaos and he depart to lay the case before the citizens, and an ode (524-99) covers their absence. After Danaos' re-entry and a song of thanksgiving over the good news he has brought, he declares that he can see the ship of the sons of Aigyptos in the offing, but tries to cheer his daughters by assuring them that the pursuers cannot land yet awhile, on an unknown coast and towards sunset. He goes away, however, to warn the Argives. After another ode, the Egyptian herald enters. Here Campbell sees an interval of a night, but this is probably not to be assumed; the ship is at anchor off the coast, but the herald and a few attendants have put off in a boat. He tries to force the Danaids to follow him to the shore, but is prevented by the re-entry of the King with his guards, who bids him begone and conducts the women to their new quarters in the city.

If now we turn to the *Persae*, a play almost as primitive in construction, we find a very different state of things. Atossa enters and tells the Chorus (the Council of Elders, who in the absence of Xerxes govern Persia, v. 3-6) of a symbolic dream which has in the preceding night (179) announced to her the ill-success of her son. A short dialogue follows, and then a

<sup>1</sup> My chief guides here, for a knowledge of which I am largely indebted to Mr. A. W. Pickard-Cambridge of Balliol, are the following: Lewis Campbell, review of Verrall's *Agamemnon* in *Class. Rev.* IV (1890), p. 303 sqq.; A. W. Verrall, *Ion of Euripides* (Camb. 1890), p. xlviii sqq.; Aemilius Polczyk, *De unitatibus et loci et temporis in noua comoedia obseruatis*, Vratislaviae, MCMIX; R. J. Kent, *The Time Element in Greek Drama*, in *Trans. Amer. Phil. Ass.* XXXVII (1906), p. 39 sqq. The dissertation of G. Felsch, *Quibus artificijs adhibitis poetae tragici Graeci unitates illas et temporis et loci obseruauerint* (Breslauer philol. Abhandlungen, 1907), is in my opinion a worthless piece of dogmatism.

messenger enters with the news of Salamis. Now by the general laws of veridical dreams, as understood in antiquity,<sup>1</sup> the queen's vision should precede the battle. Hence between it and the entrance of the messenger several months elapse, *i.e.* the whole time of the long and disastrous retreat of Xerxes with the bulk of his army from Attica to the mainland of Asia Minor. The interesting point is that no choral ode intervenes, its place being apparently taken by the dialogue, which is not in the usual dialogue metre, iambic trimeters, but in trochees, and serves in no way to advance the action, being merely a series of questions and answers as to who the Athenians are and why they dare to resist Xerxes. This is significant in view of some features of later technique. After the report of the messenger follows the extraordinarily impressive scene in which the ghost of Dareios is summoned and appears from his tomb, foretelling more disasters. This, with the preceding and following odes of the chorus, may again be supposed to occupy some time, for immediately after, Xerxes enters, having presumably made a much slower journey than the messenger; but this assumption is not necessary.

The action of the *Prometheus* is one that hardly lends itself to time-analysis; the characters (with the exception of Io) are all gods, and they speak in terms of aeons rather than days (*e.g.* v. 94). But certainly the impression given is that the action is not of short duration, for Hephaistos implies (v. 21 *sqq.*) that Prometheus will remain a very long time on his rock in the Caucasus, while the end of the play sees the disappearance of the rock and Prometheus with it (see 1018, Prometheus is forthwith to be buried underground; contrast 22, where he is to be long exposed to the sun; in 561-2, apparently,<sup>2</sup> he has been there long enough to show signs of the effects of wind and rain on him). The *Septem* occupies but one day; the stasimon 720-91 represents the duration of the battle.

<sup>1</sup> See for instance Artemidoros, *Onirocritica*, I, 2, p. 41, 25 Hercher; *ὄνειρος ἐστὶ κίνησις ἢ πλάσις ψυχῆς πολυσχέμων σημαντικὴ τῶν ἐσομένων ἀγαθῶν ἢ κακῶν* 'a significant dream is a multiform movement or formation of the mind which indicates *future* events, good or evil.' At most the dream might give warning of present events going on elsewhere, as in one or two cases of the apparition in sleep of a man in deadly peril or dying. Such beliefs were in full vogue in Aeschylus' day.

<sup>2</sup> *χειμαζόμενον*, probably 'weather-beaten,' but perhaps simply 'exposed to storms,' *i.e.* unsheltered.

Omitting the *Agamemnon* for the moment, we come to the other two plays of the Trilogy. Of these, the *Choephoroe* is a good example (we shall find others later) of those plays which exceed the twenty-four hour limit by a little. It begins in the morning; Klytaimestra has had an evil dream, has consulted dream-interpreters, and has sent the chorus (composed of her handmaidens) to perform expiatory rites (v. 32 *sqq.*). Before they enter, *i.e.* quite early in the morning, for the queen can hardly be supposed to have lost any time in taking precautions in connection with an event which has frightened her badly, Orestes and Pylades have visited the tomb of Agamemnon (v. 1 *sqq.*). This in all probability would be about dawn, if not before it, since they dare not risk being seen and recognised. Now in 710, Klytaimestra tells Pylades and Orestes, who come to the palace in disguise, that it is 'the hour for guests that have journeyed all day to receive what their long travel calls for'; *i.e.* it is evening. In 985, after the slaying of Klytaimestra and Aigisthos, Orestes displays to the sun the robe in which Agamemnon was entangled and slain. It is therefore natural to suppose that a new day has begun, and that the stasimon 784-837, or perhaps 931-72, represents the passage of the night.

The *Eumenides* is, like the *Persae*, instructive in view of the practice of later writers. The scene changes twice; the prologue is spoken by the Pythia, standing outside the temple at Delphi; the next scene is inside the temple; at 396 the chorus leave for Athens in pursuit of Orestes, who is already on his way thither; the very next line finds them and him already arrived at the Areiopagos. The journey, then, some three days long at the very least (for the Erinyes naturally go at Orestes' pace), is covered, not by the stasimon 299-396, but simply by the departure of the chorus and its re-entry.

We may now see how futile are all those criticisms and reconstructions of the *Agamemnon* resting on the supposed Unity of Time, from the scholiast above quoted (note 2), who says that 'some' blame the poet for bringing Agamemnon and his followers back from Troy within one day, to Verrall, who would have us believe that the great description of the fire-signals is a tissue of lies on Klytaimestra's part, and that Agamemnon is already in harbour when the play opens. The construction of this great work is as follows:

Prologue ; the Watchman sees the fire-signal he has been set to look out for.

Enter chorus (the Council of Elders). After their opening stasimon, enter to them Klytaimestra, who announces the fall of Troy. Asked how she knows this, she explains that a chain of beacons connects Troy with Argos and the message has just been received. They sing another ode, *which covers the passage of sufficient time for Agamemnon to make his way across the Aegean, despite the delay caused by a violent storm.*

Re-enter Klytaimestra, who declares that a messenger is in sight. Then enter a herald from Agamemnon, who tells the story of the return from Troy. After another ode from the chorus,

Enter Agamemnon, Cassandra, and attendants. After some parley with the chorus and Klytaimestra, exit Agamemnon to the palace. *Manet* Cassandra.

The stasimon preceding this episode covers only the time necessary for Agamemnon and his followers to march from the harbour to the town, no very long journey.

After the next stasimon, which covers the time spent in the palace in preparations for a sacrifice and feast, re-enter Klytaimestra, who endeavours to persuade Cassandra to follow her within. Then follows the 'mad scene,' in which Cassandra, left alone with the chorus, vainly tries to tell them what she knows by her prophetic power, that Agamemnon's life is attempted. Immediately after her exit (which is not followed by an ode, but accompanied by a short passage in anapaests, a common method of showing an exit or an entrance) follow Agamemnon's death-shrieks, the startled and futile deliberation of the chorus, and the opening of the palace doors, showing the queen standing over the huddled bodies of Agamemnon and Cassandra. From this point to the end of the play there are no interruptions to the action.

It is usual for a Greek tragedian to give occasional indications of the time at which events are supposed to take place ; as he had none of the modern arrangements for changing the lighting of the stage, it was necessary for him to do so. We have seen examples of this in the *Antigone*, which marks dawn and noon, and in the *Choephoroe*, which notes morning, night, and another morning. The *Agamemnon* indicates darkness at verse 22 and dawn at verse 265 ; but in addition it has, as Dr. L. R. Farnell long ago pointed out to the author, indications of date. The

herald comes, as he himself says, δεκάτῳ φέργει τῷδ' ἔτους,<sup>1</sup> 'on this tenth light (i.e. day) of the year,' which to an Athenian audience, whose year began at midsummer, would mean about July 1. But Troy fell, as Agamemnon says later (825), 'about the setting of the Pleiads,' or the beginning of November. The return voyage has therefore been, apart from the storm, most leisurely, and not straight across from Troy, but along the coast, as was usual with ancient methods of navigation, with many such delays as that in Thrace which forms the subject of Euripides' *Hecuba*.

If anyone finds this reading of the passages in question overingenious, it makes no difference to the main argument; analysis of the other plays of the same author, backed up by the text of Aristotle from which we started, makes it clear that the χρόνος of the *Agamemnon* may be as much over twenty-four hours as the reader or hearer may think it necessary to allow for the return of the royal ship to Argos.

Sophokles is what the eighteenth century would call a more regular writer than Aeschylus, and in him we find for the most part that the length of the play is not over 'one revolution of the sun.' The only exception is the *Trachiniae*. In this play Deianeira sends her son Hyllos to look for his father Herakles (v. 92). Even if we suppose that Kent (p. 44) is unjustified in assuming 'at least some days for his search,' we must at any rate recognise that in the course of the play he joins his father at Kenaion, about twenty miles from Trachis, the scene of the drama; that Lichas not only arrives from Kenaion (he might be supposed to have set out before the play starts), but goes back there again, verse 632; that Hyllos reappears from Kenaion, 734, and finally that Herakles (v. 971 *sqq.*) makes his entrance. All these journeys are performed on foot over rough country, and the last is retarded by the fact that Herakles is in agonising pain and has to be carefully carried on a litter. Two days at the very least must elapse, if not three.

Euripides was a restless experimenter in technique. He knew, none better, how to keep his action within the limits of a day; the tense effect of the *Medea* is largely due to the circum-

<sup>1</sup> So the only available MS. for this part of the play, verse 504. Several editors have followed Wunder in reading δεκατοῦ, a wanton conjecture, intended to mean 'at the dawn or beginning of the tenth year (since the commencement of the Trojan War),' a piece of very doubtful Greek.

stance that the heroine is desperately short of time, having but one day to carry out her complicated scheme of revenge. On the other hand, out of his surviving plays (eighteen in all, omitting the fragmentary *Hypsipyle* and the doubtful *Rhesus*) five have a χρόνος of more than twenty-four hours.

In the *Heracleidae* the scene opens at Marathon, where the children of Herakles (except Hyllos, who is at Trachis), together with Alkmene and Iolaos, have sought refuge. Kopreus, the Argive herald, tries to seize them, and on being sent packing by the King of Athens, returns to Argos, whence presently Eurystheus sets out with an army, which is met and defeated at a point some forty miles from Marathon. Meanwhile word has reached Hyllos, who comes with reinforcements in time to aid in defeating the Argives. These movements, not only of armies off stage but of three of the actors, King Demophon and Iolaos, who take part in the battle, and Makaria, daughter of Herakles, who is sacrificed (part of the play has been lost here) somewhere away from Marathon, to ensure the success of the Athenians, clearly demand several days, the more so as the territory over which the various marchings and counter-marchings take place was perfectly familiar to the audience. The journey of Hyllos and his army may have been covered by a scene, now lost, in which Alkmene and the chorus lamented the heroic death of Makaria (between verses 629 and 630 of the present text); that of Iolaos, and also the return of a messenger from the battle-field, by the stasimon 748-83.

Somewhat similar is the case of the *Supplikes*. Between verses 364 and 381 Theseus has gone from Eleusis to Athens, held a meeting of the Assembly, gathered an army, and got to Eleusis again. A short stasimon covers all these events. Between 597 and 634 he has marched on Thebes, met and defeated Kreon's force, gathered up the neglected bodies of the Seven, and come back part of the way at least, besides having taken time to bury the rest of the Argive dead. Here again the action of the play moves over ground well known to the audience, many of whom had campaigned over it themselves and knew very well how long Theseus' movements would take. Several days' duration must be postulated for this play.

The scene of the *Andromache* is laid in Epeiros, and the plot deals largely with Orestes' murder of Neoptolemos and the incidental elopement of the latter's wife, Hermione, with the

intending assassin. The pair make their exit after verse 1008 ; a stasimon follows (1009-46) ; then, after a few lines of dialogue between Peleus and the chorus, a messenger enters with the news of the murder of Neoptolemos. As this took place at Delphi, several days' journey from any place in Epeiros, and Orestes was present at it, we must assume an interval of a week or ten days for him to get there and the messenger, to say nothing of the bearers of Neoptolemos' body, who arrive before the next stasimon, to get back.

The case of the *Iphigeneia in Aulide* is not quite so clear. At the beginning of the play, Agamemnon sends a letter to Argos to tell Klytaimestra not to bring Iphigeneia to Aulis ; at verse 304, Menelaos intercepts the letter ; and later on in the play Klytaimestra and Iphigeneia arrive. But the part in which their arrival is narrated is suspected on very serious grounds of gross interpolation, and therefore it is not easy to say how Euripides fills in the interval ; for interval there must be, since Argos is several days' journey from Aulis ; therefore since the beginning of the play a considerable time has elapsed, for the women have come in obedience to a previous letter which the second, had it arrived, would presumably have been in time to countermand.

Finally, the *Hercules Furens* appears to occupy more than one day. The scene is at Thebes. At verse 523 Herakles enters, back from Hades. He mentions that he has rescued Theseus ; and in verse 1163, Theseus enters, from Athens, leading an armed force to help Herakles, if necessary, to fight the usurper Lykos. The case, however, is not clear ; Theseus may have arrived at Athens some little time before Herakles reached Thebes, and he does not definitely know when he enters that Herakles is back, only that Lykos has made himself tyrant, see verse 1166.

Of the tragedies of other writers, only fragments survive, and I notice only one of those whose plot we can reconstruct whose action is clearly longer than twenty-four hours. This is the *Hectoris Lutra* of Ennius, imitated presumably from a lost Greek original, though by what author we cannot now say. In verses 139-50 (the surviving fragments run from 137 to 161 in Ribbeck's collection) we have obvious references to the long battle which occupies the central books of the *Iliad* ; but the last two fragments, together with the title of the play, show clearly that we are now dealing with Priam, coming to ransom the hero's dead

body. Now between the battle which ended with the death of Hektor and the ransoming some twelve days <sup>1</sup> elapsed, as every reader of Homer knows; and the battle itself was three days long, or two if we begin at the eleventh book of the *Iliad*, as Ennius may have done. Hence—for the play is intended for cultured Romans primarily, and these would know their Homer—the action lasts about a fortnight.

Passing now to comedy, I omit three of the plays of Aristophanes on account of the fantastic nature of their setting. To enquire how long Trygaios, in the *Pax*, stays in heaven discussing matters with Hermes, or Dionysos in Hades, in the *Ranae*, or to compute the length of time required by Peithetairos in the *Aves* to consolidate his position in Cloud-Cuckoo-Town and make his blockade of Olympus economically effective, is surely *dare operam ut cum ratione insanias*. Keeping our feet on solid earth, we may note that three plays, the *Equites*, *Thesmophoriazusae* and *Ecclesiazusae*, seem to require but a day each, while a fourth, the *Vespae*, begins before dawn and ends with the aftermath of a dinner-party, presumably the same evening. This leaves us with four out of the surviving eleven. Of these, the *Acharnenses* begins at the time when it was actually performed, namely the festival of the Lenaia in the spring month Gamelion. This agrees not only with Dikaiopolis' remark in verse 504,<sup>2</sup> but with the indication that winter is not very long over; in verses 136 *sqq.* Theoros apologises for his tardy arrival from Thrace by stating that he was snow-bound there. Just before this passage Dikaiopolis (v. 130) has handed Amphitheos eight drachmæ, four days' pay for a plenipotentiary (v. 66) and told him to go and negotiate a separate peace with Sparta for him, Dikaiopolis, only. At verse 173 the meeting of the assembly breaks up, and two lines later Amphitheos returns. To get to Sparta and back in four days is extremely good going, even for a god; but the point to notice is that no stasimon has intervened, the chorus not having yet come on. The stage has been left vacant except for Dikaiopolis, who speaks one line of lamentation for the garlic that has been thieved from him. This is a device which we shall have occasion to notice later; for the present it may be compared with the scene in the *Persae*, already noted, between Atossa

<sup>1</sup> See *Iliad* XXIV, 413.

<sup>2</sup> αὐτοὶ γὰρ ἔσμεν οὐκ Ἀθηναῖοι τ' ἀγῶν. This is addressed nominally to the chorus, actually to the audience.

and the Elders. The play proceeds ; Dikaiopolis celebrates the Rural Dionysia,<sup>1</sup> is interrupted by the chorus, manages to persuade them and get rid of the fire-eater Lamachos, and then comes the parabasis. During this,—the half-playful, half-serious address to the audience,—about a month must elapse, for after the scenes with the Megarian, the Boiotian, and the Farmer, we learn (vv. 1076, 1086, 1211) that the Choes are being celebrated ; they however did not take place till Anthesterion, the month after Gamelion.

In the *Nubes*, we have several indications of time. The play begins near the twentieth of some month (v. 17) ; on the 25th (1131) Strepsiades comes to fetch his son from the Sokratic school of immoral learning ; the debts which the hopeful graduate is to help his father to avoid paying are due on the 29th (v. 1180). But as Pheidippides has not only learned all that Sokrates can teach him, but has acquired a scholarly pallor (v. 1171), the same month can hardly be meant.

The *Lysistrata* largely explains its own χρόνος. In verse 881, Kinesias informs his militant wife that the baby has not been bathed or fed for five days, which statement the child confirms to the best of his ability by bellowing ' Mammy ! ' at the top of his voice. The politically-minded mother, Myrrhine, left home at the beginning of the play ; there has intervened the long wrangle between the chorus of women and that of old men which forms the ἀγὼν or central scene of the comedy. Presently (v. 980) a messenger from Sparta enters to parley with Lysistrata. She sends him back home to fetch plenipotentiaries. He departs, and after a further dialogue between the two choruses, the official Spartan representatives arrive. Even if all concerned have made as good time as Amphytheos in the *Acharnenses*, we must assume another four days, making nine altogether for the length of the play.

The *Plutus* opens at Delphi ; the scene then shifts <sup>2</sup> to Athens. Plutos is sent to the Asklepieion, where he passes the night, the

<sup>1</sup> This should be in Poseideon, the month before Gamelion ; but clearly Dik. is a little late in his (private) celebration.

<sup>2</sup> Probably by the simple process of letting the actors walk along the stage, for there is no pause. The long Greek stage,—I mean by this simply the place, raised or not, where the actors stood,—may, at any rate in Aristophanes (as in Shakespeare) represent several places at once. So in the *Ranae*, at the very least both banks of the Styx are shown simultaneously.

interval being filled up by a dance, apparently,<sup>1</sup> of the chorus after verse 321. Thus the play lasts some four days.

The passing of Old Comedy (the *Plutus* has already lost many of the characteristics of that great *genre*) leads to the dropping of the chorus. The process was not sudden; the chorus still appears, as a band of dancers, probably,<sup>1</sup> in Menander, while even Plautus has a sort of chorus at one point in the *Bacchides* (v. 107). But such survivals were a very different thing from the chorus of Old Comedy; their business was merely to fill up gaps in the action with their performances. A similar function was fulfilled by the incidental music of the piece on occasion; see Plautus (see *Pseud.* 573, 573a; *non ero uobis morae; tibicen uos interibi hic delectauerit*,—*uos* being the audience). In Tragedy also, from the time of Agathon, indeed from that of Euripides, it was being rapidly degraded to a station little better than that which it had in Comedy.

It thus appears that drama, for a considerable time before Aristotle wrote the *Poetics*, had been degenerating. Now when an art of any kind is past its zenith, its first impulse usually is to attach itself to rules clearly stated and easily learned. Of the many formal manuals of rhetoric which have come down to us from antiquity, those in Greek mostly come after Demosthenes (for Aristotle's *Rhetoric* is rather a philosophical discussion of persuasive speech than a handbook for the use of learners), those in Latin, after Cicero, whose own treatises again are chiefly monuments of literary criticism, not handy little works on *How to become an Orator*. First the great painter, then the school, is the regular succession of events in pictorial art. The badness of our own eighteenth-century blank verse, which prided itself on being 'regular,' and, taken line by line, is usually quite good, is surpassed only by the horrors of Wordsworth's unique blend of ignorance of metre and want of ear. And in general, the failure of inspiration shows itself most openly in this, that the artist begins to do something, not because he wants to, but because he thinks he ought.

Now the Greek comedians of the fourth century, though no

<sup>1</sup> The MSS. here have simply ΧΟΡΟΥ, '(performance) of the chorus.' The same direction appears several times in the papyri of Menander's comedies. Whether the chorus danced, or whether they sung something which was not the composition of the dramatist, we have no means of deciding; the former seems more likely.

great poets, were efficient craftsmen, and knew well enough that a work of art should have unity. Their predecessors had had a visible sign of unity in their plays, the presence of a chorus, who took part in all the action, thus outwardly signifying it to be one. Indeed, this is the one and only bond of unity in some 'episodic' plays, such as the *Troades* of Euripides,—a series of most powerful and thrilling incidents, with nothing whatever to connect them except that more or less the same people see or hear of them and throw in an occasional comment. But with the chorus reduced to impotence, or gone altogether, some other sign of unity was wanted; for the law of Unity of Action, which Aristotle and every other good critic does and must insist on, is no easy thing to follow. Combining the craving for rules with the desire for a sign of unity, the playwrights of that time fell into the habit of confining their plays generally to one day. In this, they made a rule out of an existing tendency. We have so far dealt with or mentioned forty-five Greek plays, of which thirty, or just two-thirds, have kept within the traditional twenty-four hours. We have, from the fourth century on, twenty-eight dramas complete enough for us to judge of the time their events are supposed to occupy<sup>1</sup>; of these, two only run into a second day.

The first of these is the *Mostellaria* of Plautus, which has not always been seen in its true light. At the beginning we have a dialogue between Tranio, the town-bred slave, and Grumio, his rustic fellow; Tranio goes off to the Piraeus (the scene is, as usual, laid in Athens) to buy fish for that evening's dinner. After two fairly long scenes, Philolaches, the spendthrift *jeune premier*, and his mistress Philematium have the table laid and fall to drinking; to them, enter Callidamates, who has come from a wine-party and is already drunk (v. 313). As they are one and all thoroughgoing rakes, this need not be late in the day, but by all we know of ancient habits, respectable or otherwise, it must be afternoon. Over 300 lines further on (v. 649) it is mentioned that noon is approaching. A little later, another of the characters (Simo, v. 690 *sqq.*) comes on remarking that he has had a very good lunch. At the end of the play Callidamates reappears, having quite slept off his drunkenness, and acts as peacemaker between old Theopropides and his scapegrace son and slave. It is therefore evident that a night has intervened between 406, the

<sup>1</sup> Three of Menander, nineteen of Plautus, and six of Terence. I omit Seneca's tragedies, which are not acting plays but mere closet-dramas.

exit, into the house, of the dinner-party, disturbed by the news that Theopropides has returned from abroad, and verse 532, the beginning of the scene in which the remark is made about noon. This makes the central scene of the play, in which Theopropides is frightened away from his own house by Tranio's assurance that it is haunted, far more effective, for it is getting near evening (though still daylight, v. 444) when it occurs.

The other exception is the *Heautontimorumenos* of Terence, in which no analysis is necessary; at verse 248 Syrus says that evening is coming on, while at verse 410 Chremes remarks that dawn is breaking. The *Captivi* of Plautus might be adduced as an exception, for in that Philocrates has to go from Aetolia to Elis and back. But Plautus' ignorance of Greek geography is so abysmal<sup>1</sup> that no stress need be laid on this.

As might be expected, these plays frequently contain references to the passing of time; more often than not they are supposed to begin in the morning and end at night. But as not one of them would take more than about two hours to act, unless there were long breaks such as those which our scene-shifters often are responsible for, and our evidence is that such breaks as did occur were short, it must perforce happen that the *μῆκος* is often much less than the *χρόνος*. The most striking examples have been collected by Polczyk, and I tabulate them here.<sup>2</sup>

PLAUTUS. (1) *Amphitruo*. 860, exit Amphitruo to look for Naucrates. Three scenes follow. 1009, re-enter Amph. having searched vainly for Naucrates through the whole city.

(2) *Asinaria*. 380, exit Leonida to the forum, to tell Demaenetus of the plot contrived between him and his fellow-slave Libanus. 407, re-enter Leonida, having discharged his errand. A scene between Libanus and the Merchant intervenes.

(3) *Bacchides*. 100, exit Pistoclerus to buy provisions. Follows a short dialogue between Bacchis and her sister. 109, re-enter Pistoclerus, having done his marketing, accompanied by Lydus, who says he has been following him a long while (*iam dudum*). The editors mark a new act here, but this does not go

<sup>1</sup> He obviously thinks Aetolia is a town, and elsewhere (*Amphit.* 404) provides Thebes with a seaport. Clearly to him and to his audience, Philocrates has journeyed simply from somewhere to somewhere else and back. In a Greek play such a geographical allusion would be a very different matter.

<sup>2</sup> The surviving plays of Menander are too fragmentary for minute analysis.

back to any ancient stage-tradition. The stage is, however, left vacant for a moment before Pistoclerus' re-entry by the departure of the two women into the house.

(4) *Captivi*. 950, Hegio sends for Tyndarus, who is in the quarries outside the city. Two scenes follow. 998, enter Tyndarus.

(5) *Casina*. 530, exit Lysidamus to the forum, where he has to take part in a lawsuit. Follows a scene, mostly soliloquy, in which Cleustrata and Alcesimus take part. 563, re-enter Lysidamus, who mentions that the case is now over, and has wasted the day for him (566, *contriui diem*).

(6) *Cistellaria*. 773, exeunt Halisca, Lampadio, and Phanostrata to the house of Alcesimarchus, carrying with them the jewel-case (*cistella*, hence the name of the play) which contains the proofs of Selenium being the daughter of Demipho. Stage vacant. 774, enter Demipho, asking why every one is declaring that his daughter has been found.

(7) *Trinummus*. 819, Megaronides goes out to write a letter, find some needy rascal who will help him (815, *ego sycophantam*, —trickster,—*iam conduco de foro*), dress the fellow up as a traveller, and teach him his part. Follow the entry and soliloquy of Charmides. 843, the Trickster enters, letter perfect in his part, dressed as required, and bearing the forged letter.

TERENCE. (8) *Andria*. 467, the midwife enters Glycerium's house. 473, the child is born<sup>1</sup>; 481, re-enter the midwife, giving directions for the care of her patient, and promising to call again later. Old Simó's comment, *hui, tam cito?* (v. 474) is certainly justified. The dialogue between him and Geta has gone on meanwhile.

(9) *Eunuchus*. Between 499 and 549 the long and complicated series of events narrated in 580–602 is supposed to take place off stage. The interval is taken up mostly by the soliloquy of Chremes (507–30) and that of Antipho (539–49).

(10) *Hecyra*. At verse 329, Pamphilus goes off to visit his wife, who is said to be ill. He returns at verse 352, and the tale of his experiences in the house occupies over fifty lines. Part of

<sup>1</sup> This is indicated in the usual manner; the mother is heard to cry to Iuno Lucina for aid. It is noteworthy, as illustrating the opposite of this compression of events, that the midwife, who is sent for in a hurry, takes 231 lines to come (vv. 228–459). Polczyk notes several cases of similar retarding of the action in Terence.

the interval has been occupied by a soliloquy of the well-meaning slave Parmeno (327-35).

(11) *Phormio*. 310, Phaedria and Geta go off to fetch Phormio. Soliloquy of four lines from Demipho. 315, enter Phormio, accompanied by Geta, who has had time to give him an outline of what has so far taken place, besides the time spent in finding him.

Of the above cases, (1), (2), and (4) need not detain us. They depend on no peculiarity of ancient technique, but on the psychology of audiences. In every case several incidents have been shown on the stage; theatre-goers, ancient or modern, do not come provided with stop-watches to time exactly what is going on, or maps of the locality of the action on which to plot out the distance said to have been traversed by an absent actor. A number of things have happened in full view of them; they are quite prepared to suppose that at the same time a number of other things have taken place out of sight. This applies with at least equal strength to several other instances in Polczyk's list which I have omitted. The remaining incidents have all this common quality, with the exception of (8); in the interval the scene is either left empty, or occupied by one soliloquising character. The soliloquy, often in a lyric metre, is the direct descendant of the choral ode or other interlude of Attic plays of the fifth century, such as we have already considered. It shares the characteristic of such an ode (or lyric solo, a thing not uncommon in Euripides, *e.g.*, *Ion* 81-183), that while it may inform the audience of what has happened, or throw light upon the character of one of the *dramatis personae*, it does not advance the action in the least. Therefore that suspension of time, to which Croiset (*sup.*, p. 2) rightly calls attention in the case of the chorus, again takes place, and the poet may (within his self-imposed limits of 24-36 hours or so) assume the passage of as much time as he likes.

To make this clearer, I add a few more instances, taken for the sake of brevity solely from Terence, who is the better suited for our purpose because of his careful and conscientious workmanship.<sup>1</sup>

*Andria* 227, exit Dauos to find Pamphilus, who is in the

<sup>1</sup> For an appreciative estimate of his craftsmanship and dramatic powers generally, see Prof. Gilbert Norwood, *The Art of Terence* (Basil Blackwell, 1923).

forum (generally supposed to be some little distance from the street which is the scene of the action) and tell him what has happened. 228, enter Mysis, talking to herself. 234, enter Pamphilus, in full possession of the facts which Dauos set out to tell him. 425-31, the soliloquy of Byrria simply covers the exit of Pamphilus. So a choral ode need not indicate any considerable passage of time. 459 *sqq.* has already been noted (No. 8 in the above list). Here we have for the lines 461 *sqq.* a development of the soliloquy proper; Simo, unconscious that Dauos is eavesdropping, comments to himself on the actions he sees going on at Glycerium's house. He does not notice Dauos or speak to him until verse 475. Dauos meanwhile is listening and commenting to himself. Thus we have, not a dialogue, but two parallel soliloquies. 599, exit Simo, to talk over the situation with his son. Despairing soliloquy of Dauos. 607, enter Pamphilus, who has finished the interview with his father, got away from him, and worked himself up into a furious rage. 956, Simo, who has had Dauos put in chains, gives orders for his release. Soliloquy of Pamphilus, 957-62. 963, enter Dauos free.

*Heautontimorumenos.* The long pause (lapse of a night) between verses 409 and 410 has already been noted, p. 18. Presumably some incidental music filled up the gap, as in the much shorter pause in Plautus, *Pseud.* 573a (see p. 16). At 170, Chremes leaves the stage to remind his neighbour Phania that he is to dine with him that night. The stage being thus left empty, he returns at the next line, saying that he has visited Phania's house and found him already started. As Phania takes no part whatever in the play, it would seem that for some special reason (the availability of a popular musician?) Terence wanted a pause here for a flute-solo or the like, after the long and not very lively scene with which the play begins. The soliloquy of Clitipho, 213-29, is not required for any purpose in connection with the action, but serves to throw light on Clitipho's character and situation. 502, exit Chremes to see some neighbours and excuse himself from keeping an appointment with them. Menedemus soliloquises. 508, re-enter Chremes, having seen the persons he set out to visit. 558, exit Chremes to his house. Short soliloquy of Syrus. 560, re-enter Chremes, upbraiding Clitipho, whom he has seen behaving in a suspicious manner while indoors. 667, exit Chremes to examine the evidence for his

long-lost daughter having been found. Soliloquy of Syrus. 679, enter Clinia, who in the meantime has heard Chremes' news.

The list could be lengthened greatly by analysing the remaining four plays of this author ; but enough, I take it, has been said to make my point clear. I now sum up the results attained.

(1) The drama of the fifth century B.C., from about the beginning of Sophokles' activities as a playwright, more often than not confined the action of any one play within the space of a day or a day and a half (twice in three times, if the surviving works are an average sample). No limit, however, was recognised in either theory or practice, although it seems to have been more usual to let very long lapses of time take place between two plays of a trilogy, which to some extent (at least in Aeschylean technique) corresponded to the acts of an Elizabethan play. The presence of the chorus in no way interfered with the poet's liberty, as it normally represented simply the interested public, not a particular group of individuals.

(2) With the weakening of the chorus, and the contemporaneous falling off of Greek dramatic powers, came the invention and application of a new method of securing that sense of unity produced by the presence, in the older drama, of an active chorus. This was the invariable, or nearly invariable, confining of the action to the limits mentioned by Aristotle.

(3) With the departure of the chorus from Comedy went the loss of the time-honoured method of indicating passage of hours, days, etc., namely the interposition of a choral ode. The loss was made good either by leaving the stage vacant, and probably introducing some incidental music, dancing, or the like, or else by leaving one actor (more rarely two) on the stage, and allowing a soliloquy, or soliloquies, to take the place of the old stasimon.

H. J. ROSE.

N.B.—It is perhaps not without significance that Indian drama, which in its origin and development in many ways resembles Greek, knows nothing of a 'Unity of Time.' See for a full account, A. B. Keith, *The Sanskrit Drama*, Oxford, 1924.

## JAMES HOWELL ONCE MORE

As in the earlier notes on Howell, in Vols. III., IV., and V. of *Aberystwyth Studies*, the text of the 'Familiar Letters' is quoted from Joseph Jacobs's edition, Vol. I., 1890; Vol. II., 1892; the pages of which are numbered continuously. An apology must be offered for the order of my own comments being consecutive within each instalment only, and not invariably so then.

Introduction (1892), p. l., Let me add, however, that his hair was dark brown, his height below the medium. . . .

Jacobs supports his statement on the colour of Howell's hair by a reference to page 72. It should be noticed, however, that in the letter in question, Bk. I., Sect. 1, xxxi., which is addressed to Dr. Francis Mansell and dated by Howell 25 *Jun.* 1621, the words are, "I am sure my *Hair* is not the same; for you may remember I went flaxen-hair'd out of *England*, but you shall find me return'd with a very dark brown, which I impute not only to the Heat and Air of those hot Countries I have eaten my Bread in, but to the quality and difference of Food."

To his description of Howell's height as below the medium Jacobs adds the footnote, "This I conjecture from Howell's energy, his acquiescence in Bacon's dictum that Nature never put her jewels in garrets, and the evident attempt of the French artist [see the portrait which appeared originally in the French version of 'Dodona's Grove' (1641) and is reproduced in Jacobs's edition of the Letters] to give an impression of height."

But there is a more direct piece of evidence. At the end of a letter to Captain Thomas Porter (Book I., Sect. 6, xxi., pp. 324, 325), Howell writes:

"To this I'll add the Duke of *Ossuna's* Compliment:

*Quisiere, aunque soy chico,*

*Ser, enserville, Gigante.*

Tho' of the tallest I am none you see,

Yet to serve you, I would a *Giant* be."

That the Duke was short is mentioned in Bk. I., Sect. 3, xxxvii., p. 208, . . . "the Duke of *Ossuna's* death, a little man, but of great fame and fortunes."

To His Majesty, p. [3], . . . *who as the Law styles you the Fountain of Honour and Grace, so you should be the Centre of our Happiness.*

The earliest example quoted by the N.E.D. of the expression "Fountain of honour," applied to a sovereign, is from Lord Brougham (1844), "The Crown is the fountain of honour," *s. Fountain*, 1 d.

*The Vote, or a Poem-Royal*, lines 19, 20, p. 6 :

No curious Landskip, or some Marble Piece  
Digg'd up in *Delphos*, or elsewhere in *Greece*.

Instead of the correct *Delphi* it was formerly the common practice in English to use *Delphos*, as, for example, Sir Thomas Browne does in his eleventh 'Miscellany Tract.' Bishop Cooper in the Dictionary of proper names at the end of his Latin Thesaurus (1573) includes both forms but gives the fuller information under *Delphos*. William Wotton in his 'Reflections on Ancient and Modern Learning' criticised Sir William Temple for employing the incorrect form throughout his Essays. Charles Boyle in his 'Dr. Bentley's Dissertations on the Epistles of Phalaris, and the Fables of Æsop, Examined,' defended Temple on the plea that "*Delphos*, for the Latin word *Delphi*, is us'd by all the finest Writers of our Tongue, and best Judges of it." He instanced Waller, Dryden, Duke, Creech and the Reverend and Learned Dr. [Thomas] Jackson. It was in his reply to this that Bentley quoted from Richard Pace's 'De fructu qui ex doctrina percipitur' the now famous story of the priest who having read *Mumpsimus* for thirty years declined to change his old *Mumpsimus* for his corrector's "new" *Sumpsimus*.

*The Vote, or a Poem-Royal*, lines 120, 121, p. 9 :

So that poor Mortals are so many Balls  
Toss'd some o'er Line, some under Fortune's Walls.

The comparison is taken from tennis. See in the N.E.D. *Line*, substantive<sup>2</sup>, II. 7, f., where the present example is quoted as well as J. Heywood, 'Prov.,' "Thou hast striken the ball, vnder the lyne." See also *Pillar*, substantive, 11, where the phrase *from pillar to post* is said to have been once *from post to pillar*. ". . . originally a figure drawn from the tennis-court, and used chiefly with *toss* ; . . . The later order appears to have been first used to rime with *tost*, *tossed*."

Compare Bk. II., xvii., p. 408, ". . . "for when the weights that use to hang to all great businesses are taken away, 'tis good then to put wings upon them, and to take the ball before the bound."

*The Vote, or a Poem-Royal*, ll. 135, 136, p. 9 :

Good may the Entrance, better the Middle be,  
And the Conclusion best of all the Three.

It looks as though this couplet represented a Latin original :  
Sit bonus introitus, melius medium, optima finis.

*The Vote, or a Poem-Royal*, p. 12 :

So prayeth,  
The worst of Poets,  
to  
The best of Princes,  
yet  
The most Loyal of  
His  
Votaries and Vassals,

JAMES HOWELL.

Compare Catullus xlix. 4-7, which Howell, presumably, had in his mind :

Gratias tibi maximas Catullus  
 Agit pessimus omnium poeta,  
 Tanto pessimus omnium poeta  
 Quanto tu optimus omnium patronus.

*To the knowing Reader touching Familiar Letters*, lines 39, 40,  
 p. 14 :

They are those golden Links that do enchain  
 Whole Nations, tho' discindcd by the Main.

When choosing the word *discindcd* had Howell at the back of his mind Horace's :

Nequiquam deus absceidit  
 Prudens Oceano dissociabili  
 Terras ?

Book I., Sect. 1, iii., p. 22, So with appreciation of as much happiness to you at home, as I shall desire to accompany me abroad, I rest ever—Your friend to serve you, J. H.

"Appreciation" in Jacobs's text is either an error, or an arbitrary correction of "apprecation." The latter word is printed even in the 1737 edition and is, of course, right. The N.E.D. defines it as "The action of praying for or invoking a blessing on another ; a devout wish" and quotes Bishop Hall and Howell's present letter, besides a passage from a later seventeenth-century writer.

Book I., Sect. 1, v., p. 25, I am newly landed at *Amsterdam* . . . at the mouth of the *Texel* we were surpriz'd by a furious Tempest, so that the Ship was like to split upon some of those old stumps of trees wherewith that River is full ; for in Ages past, as the Skipper told me, there grew a fair Forest in that Channel where the *Texel* makes now her Bed.

Texel is primarily the island off the coast of North Holland, but "the Texel" has often been used to denote the channel between this island and Helder, which forms the entrance for shipping into the Zuider Zee. See *Notes and Queries*, vol. cxlvi., p. 313, where I have quoted this passage of Howell, and others from Pepys, Sir W. Temple, &c. The straits are known as Marsdiep.

Book I., Sect. 1, vi., p. 27 :

*To Dan. Caldwell, Esq. ; from Amsterdam.*

In identifying the above, Jacobs observes that his name is elsewhere spelt Caldwell. This note would not have been needed, had Jacobs carried out the principle which he announces on page xi. of his preface (1892) :

"In one point it seemed worth while reverting to Howell's original spelling. The proper names, personal and geographical, had suffered

somewhat severely at the hands of successive reprinters. I have therefore restored these, I believe in every case, to the form in which they appeared in the first editions of the several parts."

The name at the head of this letter when first printed (1645) was spelt "Caldwall," and there are countless other instances where Jacobs has failed to give proper names in accordance with the spelling of the issue in which they first appeared.

Book I., Sect. 1, viii., p. 32, . . . so I may say of these *Lugdunensians*, *They have a gross Air, but thin subtle Wits*, (some of them) witness also *Heinsius*, *Grotius*, *Arminius*, and *Baudius*.

In his Preface, p. xi. (1892), when speaking of the 1737 edition of the Letters, Jacobs writes, "I have corrected the few misprints." He failed to observe that "witness also Heinsius," &c., ought to be "witness else . . ." as in the early editions.

Book I., Sect. 1, ix., p. 33, This (I think) made *Jack Chaundler* throw away his *Littleton*, like him that, when he could not catch the Hare, said, *A pox upon her, she is but dry tough Meat; let her go*.

On "Jack Chaundler" Jacobs has a note, "Referred to Worthington, *Diary*, 364."

Jack Chaundler is not mentioned by Worthington. A footnote of James Crossley to a passage in a letter of Samuel Hartlib to Dr. Worthington speaks of an English translation of van Helmont's 'Opera' made by John Chandler and published under the title of 'Oriatrike, or Physick Refined' (London, 1662, fol.). The D.N.B. does not notice the translator. What evidence is there to prove him to be Howell's "Jack Chaundler"?

Book I., Sect. 1, xvii., p. 45, . . . for being in some jovial Company abroad, and coming late to our Lodging, we were suddenly surprized by a Crew of *Filous* of Night-Rogues, who drew upon us.

For "Filous, rogues" Jacobs refers to the 'Nicholas Papers,' 75. This is a wrong reference. It should be i. 95. The word there is spelt differently: ". . . att Paris, where he hath ingratiated himselfe with all the Filoughes and common rogues, as is commonly sayd." The editor (Sir G. F. Warner) notes that *filou* is "a term in French argot explained by Littré as a 'voleur qui emploie l'adresse.'"

Book I., Section 1, xxviii., p. 66, I met with *Camillo*, your *Consaorman*, here lately; and could he be sure of Entertainment, he would return to serve you again, and I believe for less Salary.

Jacobs writes of *Consaorman*, "It is passed over in the *New Eng. Dict.*, and I can only suggest some confusion with *consorte* or partner."

A more careful search would have shown that this form is recorded in the N.E.D., and supported by the present passage in Howell.

See under *Khansamah*, — *saman*, an Urdū (Persian) word from

*khān* master and *sāmān* household goods. The meaning is a house-steward. The Anglo-Indian corruption "consumah" is familiar to those who know their Dickens. See 'Sketches by Boz,' 'Tales,' chap. vii. 'The Steam Excursion' (Capt. Helves *loquitur*), "When I was in the East Indies, I was once stopping a few thousand miles up the country, on a visit at the house of a very particular friend of mine, Ram Chowdar Doss Azuph Al Bowlar—a devilish pleasant fellow. As we were enjoying our hookahs, one evening, in the cool verandah in front of his villa, we were rather surprised by the sudden appearance of thirty-four of his Kit-ma-gars . . . accompanied by an equal number of Con-su-mars, approaching the house with a threatening aspect, and beating a tom-tom."

Book I., 1, xxxi., p. 70, line 2 of the Latin verses :

. . . *de paucis volo, siste gressum.*

Such is the reading of the 1737 edition on which Jacobs based his reprint. "De paucis volo" is nonsense and "te paucis volo" of the first edition should, of course, be restored. We may well suppose that Howell knew the 'Andria,' where, in line 29, we get "paucis te volo." Indeed Terence is specially mentioned as one of the Latin poets with whom he was familiar when a schoolboy. See Payne Fisher's 'Encomium,' 46 sqq.

Tum mite Terenti

Ingenium, & stricto servorum scommata socco,

Plautinosque sales potâsti impubibus annis.

Supplement, p. 689 in Jacobs's edition.

Book I., Sect. 1, xlii., p. 95, To conclude, in *Italy* there be *Virtutes magnæ, nec minora Vitia* ; *Great Virtues, and no less Vices.*

Was the saying "Virtutes magnæ, nec minora vitia" derived from Livy xxi., 4, 9 (in his character of Hannibal), "Has tanti viri virtutes ingentia vitia æquabant" ?

Book I., Sect. 2, vii., p. 106, Law is a shrewd Pick-purse, and the Lawyer, as I heard one say wittily not long since, is like a *Christmas-box, which is sure to get, whosoever loseth.*

See the N.E.D. under Christmas-box, 2, "The *Butler's Box*, in which gamesters put part of their winnings," and under Butler, 3, where a butler's box is defined as "a box into which players put a portion of their winnings at Christmas-time as a 'Christmas-box' for the butler." This example from Howell is given under the first heading.

Book I., Sect. 2, ix., p. 108, Surely I believe there may be some treachery in't, and that the Marquis of *Anspach*, the General, was overcome by Pistols made of *Indian* Ingots, rather than of Steel.

Jacobs has this note : "Marquis of *Anspack* or Ansbach, a marquise generally associated with that of Bayreuth. At this time both principalities were held by Joachim of Brandenburg, who granted that of Ansbach to his son Earnest [*sic*], the person here meant."

This account is elaborately wrong. The Markgraf of Ansbach from

1603 to 1625 was Joachim Ernst (1583–1625), a younger son (one of twenty-three children) of Johann Georg, the 7th Kurfürst of Brandenburg. Joachim Ernst succeeded to Ansbach in 1603 on the death of the Markgraf Georg Friedrich, by virtue of the “Geräische Vertrag” concluded in 1598 by Johann Georg who died in that year. At the date of this letter the Kurfürst of Brandenburg was the tenth, Georg Wilhelm, his great-nephew who succeeded in 1619. See the life of Joachim Ernst in the ‘Allgemeine deutsche Biographie,’ and the list of Hohenzollern Electors and the diagram of the two Culmbach lines at the end of Book III. in Carlyle’s ‘Friedrich.’ Jacobs did not realise the importance of being earnest in these genealogical matters.

Book I., Sect. 2, xii., p. 112, There is one Count *Mansfelt* that begins to get a great Name in *Germany*, and he, with the D. of *Brunswick*, who is a Temporal Bishop of *Halverstade*, have a considerable Army on foot for the Lady *Elizabeth*. . . .

Book I., Sect. 3, xxviii., p. 189, They speak much of the strange carriage of that boisterous Bishop of *Halverstadt* (for so they term him here), that having taken a place where there were two Monasteries of Nuns and Friars, he caus’d divers Feather-beds to be ripp’d, and all the feathers to be thrown in a great Hall whither the Nuns and Friars were thrust naked with their bodies oil’d and pitch’d, and to tumble among these feathers; which makes them here presage him an ill death.

On the first of these passages Jacobs has the following note :

“*Halverstade* (Halberstadt), the Duke of Brunswick was Frederick Ulrich, the last of his line.”

No. The Bishop of Halberstadt, from 1616 to 1626, was not the feeble Friedrich Ulrich who died, the last of his line, in 1636, but his younger brother Christian, “*der tolle Halberstädter*,” “a high-flown, fiery young fellow, of terrible fighting gifts; he flamed up considerably, with ‘the Queen of Bohemia’s glove stuck in his Hat’: ‘Bright Lady, it shall stick there, till I get you your own again, or die!’” See Carlyle’s ‘*Friedrich*,’ Book III., chap. xvi.

Book I., Sect. 3, xix., p. 171, Among others, I send you a *Latin* Poem of one *Marnierius*, a *Valencian*, to which I add this ensuing *Hexastic*; which, in regard of the difficulty of the Verse, consisting of all *Ternaries* (which is the hardest way of versifying), and of the exactness of the translation, I believe will give you content.

Jacobs does not identify this poet. The name is wrongly printed in all texts. It should be *Marinerius*. There is an account of him, Vincentius Mariner, in the ‘*Bibliotheca Hispana nova*’ of Nicolas Antonio of Seville, vol. II. (Madrid, 1788), pp. 326–328. Mariner appears to have been among the most voluminous writers of Latin verse on record: “*Praeter haec jam laudata, versibus quamplurima alia Latinis . . .*

*mira facilitate ac vix credibili copia, de quacumque re opportunum ei esset, effudit.*" He was a Valencian by birth and Prefect of the Royal Library in the Escorial. According to his own computation, he was the author of over 380,000 Greek and Latin verses. His enumeration includes, among other items, a poem on the Fable of Phaethon (4,000); more than eight thousand Greek and Latin epigrams; a poem on the appropriate subject of 'Furor Poeticus et insanus Phoebi afflatus'; a paraphrase of the Lord's Prayer and another of the Salutation (6,000 lines). He seems here to have rivalled F. W. Farrar, whom Swinburne reproached with "elongating the Gospels."

As Howell sends his correspondent Mariner's lines on Charles and the Infanta, it should not be forgotten that another production of his was "*De Ludo Trojano, ut sic dicam, vulgo Juego de cañas, quo Philippus Rex IV. Caroli Walliae Principis in Hispaniam adventum celebravit.*" This last is described as consisting "duodecim millium versuum heroicorum."

The great bulk of this output remained in manuscript. The attitude of the "Trade" in Spain was that of its fellows in our own country. "Any scurrile pamphlet," wrote Burton, "is welcome to our mercenary Printers in *English*; but in *Latin* they will not deale." In fact, they "said they were not taking any to-day."

Book I., Sect. 3, xxvi., p. 184, Since our Prince's departure hence the Lady *Infanta* studieth *English* apace, and one Mr. *Wadsworth* and Father *Boniface*, two *Englishmen*, are appointed her Teachers, and have Access to her every Day.

Jacobs's note is "*Mr. Wadsworth, author of The English Spanish Pilgrime, 1629, and often mentioned as a Jesuit in the memoirs of the time. . . . Howell denounced his son later as a spy.*"

But James Wadsworth the elder died in 1623. It was his son James who was the author of *The English Spanish Pilgrime*. See the D.N.B.

Book I., Sect. 3, xxviii., p. 189:

*To the Right Honourable the Lord Clifford.*

Jacobs's comment on *Lord Clifford* is "Henry Clifford, son of the Earl of Cumberland, was not summoned as a Baron till 3 Car. I., so that the title is premature." The date which Howell added to the letter is 26 Aug. 1623; but, although Henry Clifford was not summoned to parliament as Baron Clifford until Feb. 17, 1628, he had been styled by courtesy Lord Clifford since 1605, in which year his father had succeeded as 4th Earl of Cumberland. See Doyle's 'Official Baronage of England.' But the ancient barony of Clifford was not vested in H. Clifford's father Francis, having passed to the latter's niece Anne. So Henry's summons as Baron Clifford in his father's life-time unintentionally created a new peerage. See G. E. C[okayne]'s 'Complete Peerage,' vol. iii (new ed.), p. 301.

Book I., Sect. 2, xv., p. 117, But the two last, *Egmond* and *Horn*, were nourish'd still with Hopes, until *Philip* II. had prepared an Army under the conduct of the Duke of *Alva*, to compose the difference by Arms.

Jacobs says of Horn, "He was himself a Protestant." He was a Catholic.

Book I., Sect. 3, xxxii., p. 195, I thought it worth the labour to send your Lordship a short Survey of the Monarchy of *Spain*.

Jacobs says of this short Survey, "possibly derived from Wadsworth's, which appeared in 1630" [1629].

But Howell's letter is dated from Madrid, 1 Feb., 1623.

Book I., Sect. 3, xxxv., p. 206, . . . therefore I pray let no *Couvrez-feu*-Bell have power hereafter to rake up, and choke with the Ashes of Oblivion, that clear Flame. . . .

On "*Couvrez-feu*-Bell" Jacobs's comment is, "The old folk-etymology for curfew." This is misleading. It appears to mean that the form of the word *curfew* was perverted because of the popular belief in an erroneous derivation. The example of "folk-etymology" which Prof. Weekley gives in his Dictionary is *sparrowgrass*. The spelling of *couvrefeu*, *coverfeu*, is termed by the N.E.D. an "etymological restoration," as we have the Anglo-French *coeverfu* and the Old French *cuevre-fu*, *covre-feu*, &c.

Book I., Sect. 4, xii., p. 225, . . . her [the Princess Henrietta Maria's] Dowry should be 40,000 Crowns. . . .

This is the reading of the 1737 edition. The first (1645) has 800,000.

Book I., Sect. 4, xii., p. 226, To this end she shall be allow'd twenty-eight Priests, or Ecclesiastics in her House, and a Bishop in quality of Almoner, who shall have jurisdiction over all the rest. . . .

Queen Henrietta Maria's Almoner was Daniel de la Mothe, consecrated Bishop of Mende, Feb. 19, 1625. He died on March 3, 1628.

Book I., Sect. 4, xv., p. 229, Grave *Henry* hath succeeded him in all things, and is a gallant Gentleman, of a *French* Education and Temper; he charg'd him at his death to marry a young Lady, the Count of *Solme's* Daughter attending the Queen of *Bohemia*, whom he had long courted: which is thought will take speedy effect.

It had taken effect more speedily than Howell, according to this letter, supposed. Frederick Henry married in April 1625 Amelia, daughter of Count Johann of Solms. His brother Maurice, whom he succeeded, died on April 23, 1625. Howell's letter is dated March 19, 1626. If this is Old Style, he has anticipated Maurice's death and his brother's succession. If it is New Style, he is presenting Lord Clifford with very stale news.

Book I., Sect. 4, xvi., p. 230, I sent you one of the 3<sup>d</sup> current, but 'twas not answer'd; I sent another of the 13<sup>th</sup> like a second Arrow, to find out the first, but I know not what's become of

either : I send this to find out the other two ; and if this fail, there shall go no more out of my Quiver.

Jacobs, in his note, compares " Longfellow's song " [ ' The Arrow and the Song ' ] and misquotes the first line of it. The thought in Longfellow's poem is quite different from that of Howell's letter.

Book I., Sect. 4, xvi., p. 230 :

*Ira furor brevis, brevis est mea littera, cogor.*

*Irà correptus, corripuisse styllum.*

The unmetrical blunder of the 1737 edition is here reproduced. There is no need to consult older editions to show that an *est* has been dropped after the first *brevis*. The grave accent on *Irà* is due to a damaged circumflex in 1737. The beginning of the distich "*Ira furor brevis est*" is borrowed from Horace, 'Epistles,' I., ii., 62.

Book I., Sect. 4, xxii., p. 238, I hope to see you at *Dyvinnock* about *Michaelmas*, for I intend to wait upon my Father, and I will take my *Mother* in the way, I mean *Oxford*.

Jacobs's note is "*Dyvinnock* in Brecon, a point in favour of H. being a Brecknock man ; but see *Introduc.*, p. xxiii. [where he accepts Carmarthenshire as Howell's native county]."

No argument about the district of Howell's birth can be based on this mention of *Dyvinnock*. The letter is addressed to Hugh Penry, the husband of Howell's sister Ann, and Jacobs himself has mentioned in his note on Bk. I., Sect. 2, xvi., p. 129, that Hugh Penry was Vicar of Dyfynog. If Howell was intending to visit his father (at Abernant in Carmarthenshire) what could be more natural than for him to make use of the same journey to visit the Penrys ?

Book I., Sect. 4, xxvi., pp. 242, 243, Master *Montague* is preparing to go to *Paris* as a Messenger of Honour, to prepossess the King and Council there with the truth of things.

Jacobs does not offer to identify Master Montague. It would not be rash to conjecture that the person meant is Walter Montagu (1603 ?-1677), second son of Sir Henry Montagu, the first Earl of Manchester. Walter Montagu had been sent on a secret mission to France in 1624 and on a second diplomatic errand in 1625. Later in life he was Abbot of St. Martin's near Pontoise. See the notice in the D.N.B.

Book I., Sect. 5, viii., p. 254, The Town of *Rochell* hath been fatal and unfortunate to *England*, for this is the third time that we have attempted to relieve her ; but our Fleets and Forces return'd without doing anything.

Jacobs's note calls for correction. He writes "*third time*. One only knows of Wimbledon's and this of Lindsey's. Perhaps H. is counting the Expedition to the Isle of Rhé."

Viscount Wimbledon, at that time Sir Edward Cecil, was in command of the Spanish Expedition of 1625, that failed in the attack on Cadiz.

Buckingham's expedition in 1627 is surely to be reckoned as one of the three, for what was the object of landing on the Isle of Rhé if it was not to relieve Rochelle?

Of the remaining two, one will be Lord Denbigh's attempt. Jacobs has already forgotten that in a note on I. 5, vi., he wrote of Denbigh, "He returned from an unsuccessful attempt to relieve Rochelle, May 27, 1628." The third and last expedition was that commanded by the Earl of Lindsey.

Book I., Sect. 5, xv., p. 266, I have sent you here inclos'd, Warrants for four brace of Bucks and a Stag; the last Sir *Arthur Manwaring* procur'd of the King for you, towards the keeping of your Act.

Jacobs writes, "Where the stag came in I am unable to guess, nor is any hint given in Wordsworth, *University Life*."

It requires no conjurer to see that the bucks and stag, as well as "the great Wicker Hamper, with two Geoules of Sturgeon, six barrels of pickled Oysters, three barrels of *Bologna* Olives, with some *Spanish* commodities" are a provision against the entertainment to be given in connexion with the Act.

Book I., Sect. 5, xv., p. 267, So, with my kind love to Dr. *Mansell*, Mr. *Watkins*, Mr. *Madocks*, and Mr. *Napier* at *All-Souls*, I rest—Your loving Brother,

J. H.

*Lond.*, 20 June 1628.

Mr. Watkins is stated by Jacobs to be "Richard, of Ch. Ch. (Wood, *Athenæ*, iii., 945)." There are serious objections to this confident assertion. The passage in the *Athenæ* proves to refer to Mr. Rich. Watkins sometime of Ch. Ch. who soon after May 1658 was succeeded in his vicarage of Amersden, near Bicester in Oxfordshire, by Edward Bagshaw; and an examination of Wood's *Fasti* shows us the same Richard Watkins being admitted B.A. in 1644 and M.A. in 1647. Now look at the date of Howell's letter!

Book I., Sect. 5, xx., p. 270, It is as true a Rule, that ἡ ἀπορία τῆς ἐπιστήμης ἀρχή, Dubitation is the beginning of all Knowledge.

See Aristotle, *Metaphysics*, B. 1, 995<sup>a</sup> 24, 'Ανάγκη πρὸς τὴν ζητουμένην ἐπιστήμην ἐπελθεῖν ἡμᾶς πρῶτον, περὶ ὧν ἀπορῆσαι δεῖ πρῶτον.

Book I., Sect. 5, xxi., p. 270, . . . for you know 'tis a Rule in Law, *Idem est non esse & non apparere*.

This is more usually quoted in the form *De non apparentibus et non existentibus eadem est Ratio*. See Pease and Chitty's edition of Herbert Broom's 'Selection of Legal Maxims' (1911), p. 131.

Book I., Sect. 5, xxiii., p. 274:

*To the Rt. Hon. my Lady Scroop, Countess of Sunderland, at Langar.*

Langar (in Nottinghamshire) has since become a familiar name to many. Samuel Butler, the author of 'Erewhon,' was born there, at the Rectory, Dec. 4, 1835.

Book I., Sect. 5, xxiii., p. 274, My Lord *Carleton* deliver'd it me, and told me he never remember'd that the King writ a more gracious Letter.

On Lord Carleton Jacobs has a note: "He was now 'Lord,' but H. seems to apply this term to Baronets and Knights as well. Sir Dudley Carleton was ultimately Clerk of Council (*infra*, 667), and is frequently mentioned in the memoirs of the time [references are added]."

In his note on IV., xii., p. 578, Jacobs confused Henry Pierrepont (1656-1708), the first Marquis of Dorchester, with Sir Dudley Carleton (1573-1632), Viscount Dorchester. In the present note he has confused the elder Sir Dudley Carleton, created Baron Carleton of Inbercourt, May 22, 1626, and Viscount Dorchester, July 21, 1628, who became Principal Secretary of State on Dec. 18, 1628, with his nephew of the same name. The younger Dudley Carleton was knighted on March 1, 1629, and was made one of the Clerks of the Council in 1637.

Book I., Sect. 5, xxvii., p. 278, *God send us an honourable Peace*: for, as the *Spaniard* says, *Nunca vi tan mala paz, que ne fuesse mejor, que la mejor guerra.*

The proverb seems to have been suggested by Cicero's "Causa orta belli est: quid ego praetermisi aut monitorum aut querelarum, cum vel iniquissimam pacem iustissimo bello antefeream?"

'Epist. ad Fam.' vi., 6, 5.

Book I., Sect. 5, xxxv., p. 285, Now your Lordship shall understand, that the said King [Gustavus Adolphus] is at *Mentz*, and keeps a Court there like an Emperor, there being above twelve Ambassadors with him.

Jacobs's note on *Mentz* is "now Metz" [!]. *Mentz* is, of course, Mainz.

Book I., Sect. 6, xxvi., p. 328, I pray present my respects to Mrs. *Anne Mayne*.

The widow—"Mistress C.," to whom "at her House in Essex" this letter of condolence is directed, was evidently, as Jacobs notes, the wife of Howell's friend Daniel Caldwell. But he has not ventured on "Mrs. Anne Mayne." It may seem unduly bold to rush in where Jacobs has feared to tread, but I think that the lady can be identified with a fair probability.

The 1634 Visitation of Essex (Harleian Soc., vol. 13) informs us that Daniell Caldwell of Horndon on the Hill married "to his 3 wiffe" Alice d. of [John] Mayne [of Hertfordshire] and had by her 3 daughters, Mary, Elizabeth, and Anne. Turning to the Herts Visitation of the same date (Harl. Soc., vol. 22) and examining the pedigree of Mayne of Bovington, we find that Alice d. of James Mayne and Mary Andrew married Daniell

Caldwell of Horndon, co. Essex, and that among her sisters was Anne, unmarried it would seem in 1634. "Mrs. Anne Mayne" may have been this sister staying at the time with Caldwell's widow. Another sister was named Elizabeth, and the Elizabeth and Anne who were daughters of Caldwell by this third wife were possibly christened after these two aunts.

Book I., Sect. 6, xxix., p. 331, Major *Gots*, one of the chief Commanders, was kill'd.

Johann, Graf von Götz (1599-1645) was a well-known general on the Imperial side in the Thirty Years War. He was killed in the battle of Jankau, March 6, 1645. If this is the man, the report of his death in 1635 was greatly exaggerated. The name in Ed.<sup>1</sup> is *Gæuts*.

Book I., Sect. 6, xxxii., p. 335, Upon Monday morn, as soon as the *Cinque-Ports* are open, I have a particular prayer of thanks, that I am repriev'd to the beginning of that week.

Compare Sir Thomas Browne, near the end of the 'Garden of Cyrus' (1658), "But the Quincunx of Heaven runs low, and 'tis time to close the five ports of knowledge."

Book I., Sect. 6, xxxvi. (*To Sir Ed. Savage, Knight, at Tower-hill*), p. 342, . . . nothing can be done in that business till your Brother *Pain* comes to Town.

"Probably," says Jacobs, "the J. Payne of Nichols, Prog. Jas. I., ii. 145, 650; brother = brother-in-law."

The reader of Jacobs's identifications is probably by now inclined to "damn them at a venture." Open Nichols's 'Progresses of K. James I' at the places indicated, and what do you get? At ii. 145, you learn that the Funeral Sermon of Elizabeth, daughter of Ferdinando Stanley, Earl of Derby, who died on Jan. 20, 1633, was published with her portrait engraved by J. Payne. This John Payne's life is in the D.N.B. He "was idle and died in indigent circumstances." Evidence, please, that he was Sir Edward Savage's brother-in-law!

At ii. 650, we find that in an account of K. James's visit to Bristol with his Queen in 1613 are some verses "To the Author and his Booke," signed by John Payne.

Book I., Sect. 6, xxxvii., p. 343, I hear that Cardinal *Barberino*, one of the Pope's Nephews, is setting forth the Works of *Fastidius*, a *British* Bishop, call'd *De vita Christiana* . . . and *Holstenius* hath the care of the Impression.

Jacobs's note on the "Works of *Fastidius*" is that "The *De Vita Christiana*, previously included among St. Augustine's works, was vindicated for *Fastidius* by *Holstenius*, who published an edition in 1636, three years before the date of this letter."

I have not seen this edition, which according to Jacobs was published in 1636, but the Benedictine edition of Augustine, vol. vi. (1685), Appendix p. 183, J. A. Fabricius's 'Bibliotheca Latina med. et inf. aetat.' and other authorities say the book appeared at Rome in 1663.

Book I., Sect. 6, xli., p. 348 :

*To Sir J. M., Knight.*

"May possibly," says Jacobs, "be Sir T. Middleton, brother to Sir Hugh, who went in deeply for alchemy."

"It is always possible," as the old Frenchman at Naples said to Dickens ; "almost all the things in the world are always possible." Still, the date of this letter is 1 *Feb.* 1638, and Sir Thomas Middleton, Sir Hugh's brother, died at the age of 81, or thereabouts, on August 12, 1631.

Book I., Sect. 6, li., p. 360 :

*To Sir Alex. R., Knight.*

Jacobs notes that according to the "Table" of the first edition this is Sir Alexander Ratcliff. To this may be added that on Feb. 1, 1625-6, at the Coronation of Charles I., Alexander Ratcliffe of Lancashire was made a Knight of the Bath. See W. A. Shaw's 'Knights of England.'

Book I., Sect. 6, lii., p. 362, All Men know there is nothing imports this Island more than Trade ; it is that Wheel of Industry which sets all others a-going ; it is that which preserves the chiefest Castles and Walls of this Kingdom, I mean the Ships.

On "Walls of this Kingdom" Jacobs remarks that this is "Perhaps the earliest reference to England's fleet of Themistocles' saying about Athens' wooden walls." It is certainly not the earliest. See Owen's 'Epigrammata,' ii., 40 :

*Vires Britannicæ. Ad Principem.*

Anglorum portæ sunt portus, mœnia classes,

Castra æquor, valli corpora, corda duces.

Book I., Sect. 6, lv., p. 366, You know the difference the Philosophers make 'twixt the two *extreme* colours, *black* and *white*, that the one is *congregativum*, the other *disgregativum visûs* : Black doth congregate, unite and fortify the Sight ; the other disgregate, scatter and enfeeble it, when it fixeth upon any object.

See Boëthius, 'Topicorum Aristotelis Interpretatio,' lib. vii., cap. 2, in vol. lxiv. of Migne's 'Patrologia Latina,' column 990D., "Et differentias quidem contrarias de contrariis arbitramur prædicari, ut de albo et nigro : nam illud quidem disgregativum, hoc autem congregativum visus."

Book I., Sect. 6, lvi., p. 367, . . . like a Glow-worm (the old emblem of true Friendship) you have shin'd to me in the dark.

See the 'Symbola et Emblemata' of Joachim Camerarius, iii., 94, "Apud nos quidem vermis est Erucae similis qui eadem parte qua ciconidela noctu fulgorem tam clarum emittit, ut etiam ad illum litterae legi possint. . . . Quamquam verò & hoc symbolum autor illius ad honesti amoris significationem accomodaverit, . . ."

Book I., Sect. 6, lvii., p. 368, But as we find that it is not a clear Sky, but the Clouds that drop Fatness, as the holy Text tells us, so adversity is far more fertile than prosperity.

See Psalm 65, 12 (Prayer-Book version), "Thou crownest the year with thy goodness : and thy clouds drop fatness." The A.V. has (65, 11) "... thy paths drop fatness."

Book I., Sect. 6, lviii., pp. 370, 371, I am no statue, but I must resent the calamities of the time, and the desperate case of this Nation, who seem to have fallen quite from the very faculty of reason, and to be possess'd with a pure Lycanthropy, with a wolfish kind of disposition to tear one another in this manner ; insomuch, that if ever the old saying was verify'd, *Homo homini lupus*, it is certainly now.

See Plautus, 'Asinaria,' 495 :

Lupus est homo homini, non homo, quom qualis sit non novit, and John Owen's Epigrams, lib. iii. 23 :

*Homo homini Lupus, Homo homini Deus.*

Humano generi lupus et deus est homo : quare ?

Nam deus est homini Christus, Adamque lupus. and lib. iv. 224 :

*Homo homini Deus.*

Est homo qui locuples inopi nil donat amico ;

Qui rapit, hic lupus est ; qui dabit, ille Deus.

"Homo homini deus" is from the line of Caecilius Statius quoted by Symmachus, Epist. ix. 114 :

Homo homini deus est, si suum officium sciatis.

See A. Otto, 'Die Sprichwörter und Sprichwörtlichen Redensarten der Römer,' under *Lupus* and *Deus*. The proverb is of Greek origin.

Book I., Sect. 6, lix., p. 371, I have no other news to write to you hence, but that, *Leuantanse los muladeres, y abaxanse los adarues* : *The World is turn'd topsey-turvey*.

*Muladeres* should be *muladares*. Jacobs's translation is "The mule-teers go up and the walls go down." He has confused *mulatero*, a mule-driver, with *muladar*, a dunghill.

The saying, in the form "Abaxanse los adarves, y alçanse los muladares," is included by Howell among the Spanish proverbs at the end of his 'Lexicon Tetraglotton' (1660), with the English "The battlements come down, and dunghills climb up ; Jacks rise up, and Gentlemen come down."

Book II., ii., pp. 376, 377, You know,

*Anser, Apis, Vitulus, Populos & Regna gubernant.*

The Goose, the Bee, and the Calf (meaning Wax, Parchment, and the Pen) rule the World ; but, of the three, the Pen is the most predominant.

See N. Reusner's 'Aenigmatographia,' Part i., p. 245 (ed. 1602), where No. xxx. of the Aenigmata of Hadrianus Junius, entitled 'Syngraphum,' begins :

Anser, apis, vitulus, rerum potiuntur et orbis.

Book II., iv., pp. 379, 380, 'Tis a powerful Sex ; they were too strong for the *First*, the *Strongest* and *Wisest* Man that was ; they must needs be strong, when *one Hair of a Woman can draw more than a hundred pair of Oxen* ; yet for all their strength in point of value, if you will believe the *Italian*, *A Man of Straw is worth a Woman of Gold*.

Howell gives this among the Italian proverbs in his 'Lexicon Tetraglotton,' "Un huomo di paglia val' una donna d'oro."

Book II., xvii., p. 408, . . . for Expedition is the life of Action, otherwise Time may show his bald *occiput*, and shake his posteriors at them in derision.

See the poem of Posidippus in the 'Palatine Anthology,' xvi. ('Appendix Planudea'), 275, especially lines 7-10 ; and Ausonius's epigram, 33 (12), lines 7 and 8 :

Sed heus tu

Occipiti calvo es ?—Ne tenear fugiens.

Book II., xviii., p. 410, This makes me think on that blunt answer which Capt. *Talbot* return'd *Henry VIII.* from *Calais*, who having receiv'd special command from the King to erect a new Fort at the Water-gate, and to see the Town well fortify'd, sent him word, *that he could neither fortify nor fiftify without Money*.

The same jest, whether by recollection or coincidence, is employed in the first stanza of Hood's 'December and May' :

Said Nestor, to his pretty wife, quite sorrowful one day,

"Why, dearest, will you shed in pearls those lovely eyes away ?

You ought to be more fortified." "Ah, brute, be quiet, do,

I know I'm not so fortyfied, nor fiftyfied, as you !"

Book II., xxvii., p. 420, Yours to the Altar, J. H.

The phrase "usque ad aram" is derived from a saying of Pericles given by Plutarch among his 'Apophthegmata Regg. et Imp.' 186c. *Πρὸς δὲ φίλον τινα μαρτυρίας ψευδοῦς δεόμενον, ἢ προσῆν καὶ ὄρκος, ἔφησε μέχρι τοῦ βωμοῦ φίλος εἶναι.* Xylander's rendering is "Amicum se usque ad aram esse respondit." Erasmus has it in Bk. V. of his 'Apophthegmata,' "Pericles . . . respondit *se quidem amicum esse usque ad aram.*"

Book II., xxvii., p. 420, *T. T.* drank your health yesternight, and wish'd you could send him a handsome *Venetian Courtesan* inclos'd in a Letter ; he would willingly be at the charge of the

postage, which he thinks would not be much for such a light commodity.

Horace Walpole writing from Arlington Street on June 5, 1747, to Horace Mann at Florence, says: "I . . . may retire to a little new farm that I have taken just out of Twickenham [afterwards the famous Strawberry Hill]. The house is so small, that I can send it to you in a letter to look at."

Book II., xxxiii., p. 427, There's a strange Maggot hath got into their brains, which possesseth them with a kind of Vertigo ; and it reigns in the Pulpit more than anywhere else, for some of our Preachmen are grown dog-mad, there's a worm got into their Tongues, as well as their Heads.

An allusion to the absurd practice that long prevailed of cutting out a vermiform structure from under a dog's tongue because of the belief that it was a worm. See Pliny, 'Nat. Hist.,' xxix., 5 (32), 100, "Est vermiculus in lingua canum qui vocatur a Graecis lytta, quo exempto infantibus catulis nec rabidi fiunt nec fastidium sentiunt."

Book II., xlvi., p. 440, You know that Pair which were taken up into Heaven, and placed among the brightest Stars for their rare constancy and fidelity one to the other : you know also they are put among the *fixed* Stars, not the *erratrices*, to shew there must be no inconstancy in love. Navigators steer their course by them, and they are the best friends in working Seas, dark nights, and distresses of weather ; whence may be inferr'd, that true friends should shine clearest in adversity, in cloudy and doubtful times.

The Pair = Gemini, Castor and Pollux, the "*Grecians* Twin" of 'The Vote, or a Poem-Royal,' l. 184. With "among the *fixed* Stars, not the *erratrices*, to show there must be no inconstancy in love" compare, *per contra*, Owen, 'Epigrammata,' I., lxviii., 3-4 :

Nulla fides Veneri ; levis est interque planetas  
Ponitur (haud inter sidera fixa) Venus.

Book II., xxxvi., p. 429, My most humble Service to Sir J. St. and Sir H. V.

The letter is addressed "*To Sir L. D., in the Tower*" and dated "*Fleet, 15 Feb. 1646.*"

Jacobs identifies Sir L. D. with Sir Lewis Dives and Sir J. St. with Sir J. Strangways, "who was in the Tower at this time . . . and was a brother-in-law of Sir L. Dives . . . and was captured together with him at the surrender of Sherborne Castle in 1645."

So far, so good ; but Sir H. V. he says is "probably" Sir Harry Vane.

This is exquisitely absurd. A prisoner in the Fleet writes to a Royalist prisoner-of-war in the Tower and sends his most humble service to his correspondent's brother-in-law, a Royalist fellow-prisoner, and to Sir Harry Vane, the Parliamentary leader in the House of Commons ! We may guess with some "probability" that Sir H. V. was the Royalist

soldier, Sir Henry Vaughan (1587 ?–1659 ?), who was at this date a prisoner in the Tower, having been captured at the battle of Naseby (14 June, 1645). Sir Henry Vaughan was the 6th son of Walter Vaughan, of Golden Grove, Carmarthenshire, and a brother of William Vaughan (1577–1641). See Mr. D. Lleufer Thomas in the D.N.B.

Book II., xlvii., p. 440, I return you those two famous speeches of the late Q. *Elizabeth*, with the addition of another from *Baudius* at an Embassy here from *Holland*.

Dominicus Baudius's 'Oratio ad serenissimam Principem Elizabetham Angliae Reginam' is included among his 'Orationes Quatuor,' published at Leyden in 1617. Another of the four was addressed to James I. They are both in the 1650 collection of his Letters and Speeches.

Book II., liv., p. 453, In *China* they have a holy kind of liquor made of such sort of flowers for ratifying and binding of bargains ; and having drank thereof, they hold it no less than perjury to break what they promise.

See Purchas's 'Pilgrimage,' Part I. (1617), chap. 19, § vii., p. 533, "They take their oathes (as here by kissing a booke) with thrice drinking of a certayne liquor."

Book II., liv., p. 456, In the Country of *Provence* towards the *Pyrenees*, and in *Languedoc*, there are Wines concustable with those of *Spain*.

This is Jacobs's text, and the word *concustible* (spelt thus) appears in his index. The neglect to consult earlier editions is apparent. The word should be *congustable*. This obsolete and rare word is explained as meaning "having a like taste or flavour" by the N.E.D. which quotes Howell's letter.

Book II., lxi., p. 483, . . . that glorious and gallant Cavalier Sir *W. Raleigh* (*who lived long enough for his own honour, tho' not for his Country*, as it was said of a *Roman Consul*). . . .

See Cicero's Speech, 'pro M. Marcello,' 8, 25, "Itaque illam tuam praeclarissimam et sapientissimam vocem invitatus audiui: 'Satis diu vel naturae vixi vel gloriae.' Satis, si ita vis, fortasse naturae, addo etiam, si placet, gloriae, at, quod maximum est, patriae certe parum."

Cicero was addressing Julius Cæsar.

Book II., lxi., p. 484, Mr. *Nath. Carpenter*, a learned and judicious Author, was not in the wrong when he gave this discreet Character of him [Sir Walter Raleigh]: . . .

"The quotation in the text," says Jacobs, "is probably from his *Geographie Delineated*, 1625."

It is. See Book II., chap. xv., page 261 of the 1625 edition. Carpenter was a Fellow of Exeter College, and this book of his contains one of the earliest references to the 'Anatomy of Melancholy':

"All this time as in a fit of phrensy I haue spoken I scarce know what my selfe : I feare me too much, to, or of, my *Country* and *Vniversity*, and too litle for the present purpose. Now as one suddainly awaked out of sleep, no otherwise then in a dreame I remember the *occasion* : We haue all a *semel Insaniuimus*, and as a learned man of this Vniversity seemes to maintaine, no man hath euer had the happines to be exempted from this imputation : And therefore I hope my Reader will pardon me this once, if in such a generall concurse and conspiracy of mad men, I sometimes shew myself mad for company." *Ibid.*, p. 273.

Book II., lxiv., p. 490, Insomuch that you could not make choice of a fitter ground for a Prisoner, as I am, to pass over, than of that *purple Isle*, that *Isle of Man* you sent me ; which, as the ingenious Author hath made it, is a far more dainty soil than that *Scarlet Island* which lies near the *Baltic Sea*.

Jacobs does not attempt to explain "that *Scarlet Island*." Is not Heligoland meant ? It has steep red cliffs, and the 'Encyclopædia Britannica' quotes an old Frisian rhyme :

Grön is dat Land,  
Rood is de Kant,  
Witt is de Sand,  
Dat is de Flagge vun't hillige Land.

In attending Lord Leicester's mission to the Court of Denmark in 1632 Howell, we may suppose, had sight of the island. Admiral Pennington's Log which Jacobs prints on pp. 678-9 (Supplement xxvii) has the entry for Sept. 17 :

"About 7 a clock in the morninge we had sight of Holbike Land [Heligoland]."

Book II., lxxii., p. 499 :

*To Sir Tho. Luke, Knight.*

SIR,

Had you traversed all the world over . . . you could not have lighted upon a choicer piece of Woman-kind for your Wife ; the Earth could not have afforded a Lady, that by her discretion and sweetness could better quadrate with your dispositions. As I heartily congratulate your happiness in this particular, so I would desire you to know, that I did no ill offices towards the advancement of the work, upon occasion of some discourse with my Lord George of *Rutland* not long before at *Hambledon*.

Jacobs, referring to *Notes and Queries*, Third Series, vol. vii., p. 116, rightly points out that "Luke" is a misprint of the first edition for Lake. His note, however, that Sir Thomas's wife was "Mary, daughter of Sir W. Ruth, Lord Mayor of London (Wood, *Fasti*, i., 261), but H. could not have been old enough at his marriage," together with his note on Book I., Sect. 5, xxv., p. 276, also addressed to Sir Thomas Lake, proves conclusively that he has fallen into the extraordinary error of confounding Sir Thomas Lake the younger, knighted on June 8, 1617 (W. A. Shaw,

'The Knights of England,' vol. ii., 163), with his father, King James's Secretary of State from 1616 to 1619. We may grant that these letters swarm with chronological inexactitudes and that great part was concocted subsequently to the alleged dates; but what possible motive could Howell have had for publishing what was professedly a letter of congratulation on the wedding of a well-known man that took place when he himself was a child? Further, for claiming a share at these tender years in having brought about the match? and, as a crowning act of absurdity, for praising the "discretion and sweetness" of a woman who had been notoriously convicted of slander and forgery?

The relationship of the younger Sir Thomas's wife to the Manners family obviously explains Howell's claims to have furthered the match in conversation with my Lord George of Rutland.

What seems to be a curious error about the elder Sir Thomas Lake has gained some currency. J. S. Hawkins, in his edition (1787, p. xxiv) of George Ruggle's famous Latin comedy, *Ignoramus*, played before James I. at Cambridge in 1615, gives a list of the characters, in which the part of Trico is assigned to Mr. Lake of Clare Hall, and Lake is described as "afterwards secretary of state." This statement is repeated by Mullinger in his *History of the University of Cambridge*, ii., 541. Sir Sidney Lee in his D.N.B. notice of the father thinks this very doubtful, but adds, "the actor is more likely to have been Sir Thomas's son."

What ground is there for either of these identifications? A Mr. William Lake, who was a Fellow of Clare in 1619, is mentioned in Ruggle's *Will* (Hawkins, *ut supra*, p. xcvi), and Professor J. E. B. Mayor in his note on p. 12 of the 'Life of Nicholas Ferrar by his Brother,' "Mr. Lake, Mr. Ruggle, and other of the fellows," writes "William Lake, who acted *Trico*, when *Ignoramus* was represented before James I., March 8, 1614-5," with a reference to Baker's MS. X. 156, to which Hawkins also refers. Is this William Lake the same as — Lakes whose answer (in English and Latin rhyme) to Bishop Corbet's poem on King James' visit to Cambridge is printed in Corbet's *Poems* (1807) and in Cooper's 'Annals of Cambridge,' vol. iii., pp. 79-82? This certainly seems a "probable" identification.

Book III., viii., p. 525, The *Goths* forbore to destroy the Libraries of the *Greeks* and *Italians*, because *Books* should keep them still soft, simple, or too cautious in warlike Affairs.

See Burton, 'Anat. of Melancholy,' 1, 2, 3, 15. "And *Patritius* therefore in the institution of Princes, would not have them to be great students. For (as *Machiavel* holds) Study weakens their bodies, dulls the spirits, abates their strength and courage; and good Scholars are never good Souldiers, which a certain *Goth* well perceived, when his Countrey-men came into *Greece*, and would have burned all their books, he cried out against it, by all means they should not doe it, *leave them that plague, which in time will consume all their vigor, and martiall spirits.*" Burton cites in his margin, *Gaspar Ens Thesaur. Polit. Apoteles.* 31. *Graecis hanc pestem relinquite, quae dubium non est, quin brevi omnem ijs vigorem ereptura Martiosque spiritus exhaustura sit. Ut ad arma tractanda planè inhabiles futuri sint.*

See 'Tesoro Politico,' La Parte seconda, Francof. 1611, p. 7, 'An

*litterarum studia militiam eneruent.* Burton had slightly compressed and altered the latter part of his quotation.

Book III., xiii., p. 537, The freshest News here is, that those Heart-burnings and Fires of Civil Commotions which you left behind you in *France*, cover'd over with thin Ashes for the Time, are broken out again.

Howell was very likely recollecting Horace, Odes II., i., 1, 7, 8 :

Motum ex Metello consule civicum

. . . . .

Tractas et incedis per ignes

Suppositos cineri doloso.

Book III., xxiii., p. 548, The *Roman Law*, which the *Decemviri* made, is yet extant in the twelve Tables, *Qui fruges incantassent, pœnis danto* : They who shall inchant the fruit of the Earth, let them be punish'd [*pœnis* should be *pœnas*, and *incantassent* for —*int* is due to a faulty text of Pliny].

See Pliny, Nat. Hist. xxviii., 2 (4), 17, 18, "Quid ? non et legum ipsarum in duodecim tabulis verba sunt : qui fruges incantassit, et alibi : qui malum carmen incantassit ?"

Book III., xxiii., p. 548, The *Imperial Law* is known by every Civilian ; *Hi cum hostes naturæ sint, supplicio afficiantur* : These, meaning Witches, because they are enemies to Nature, let them be punish'd.

Compare the 'Corpus Juris Civilis,' Cod. ix., 18, 9, "Quicumque maleficiorum labe pollutum audierit deprehenderit occupaverit, ilico ad publicum protrahat et iudiciorum oculis communis hostem salutis ostendat."

Book IV., iv., p. 558 :

*To my Lord Marquis of Hartford.*

To Jacobs's formal identification of the above with William Seymour, 11th Earl and 1st Marquis, who became Duke of Somerset at the Restoration, a touch of human interest might be added by reminding the reader that it was this William Seymour who in 1610 married the unfortunate Arabella Stuart.

Book IV., v., stanza 6, lines 3 and 4, p. 564 :

*And lose a hundred pound at Gleeck,*

*Or be a Saint when we should sleep.*

This is the reading of the 1737 edition which Jacobs followed. What meaning he supposed the second line to have is not clear ; perhaps, to keep vigil. But the first edition of Book IV. (1655) has "Or be at Sant," which is obviously right. The obsolete *Cent* with sixteenth and seventeenth century forms, saunt, saint, cente, and seventeenth century sent, was the name of "an old game at cards, said to have been of Spanish origin, and to have resembled piquet, with one hundred as the point that won the game" (N.E.D.).

Book IV., vii., p. 567, But what shall I say of Q. *Artemisia*, who had an Urnful of her Husband *Mausolus's* Ashes in her closet, whereof she would take down a dram every morning next her heart, saying that her Body was the fittest place to be a Sepulchre to her dear Husband . . . ?

See Valerius Maximus IV., vi., Ext. 1, “. . . cum ipsa Mausoli vivum ac spirans sepulcrum fieri concupierit eorum testimonio, qui illam extincti ossa potioni aspersa bibisse tradunt.”

Also Aulus Gellius, X., xviii., 3, “*Artemisia*, luctu atque desiderio mariti flagrans uxor, ossa cineremque eius mixta odoribus contusaque in faciem pulveris aquae indidit ebibitque.”

Book IV., vii., p. 568, That incestuous custom they have in *China*, that one should marry his own Sister, and in default of one, the next akin, I utterly dislike.

See Purchas's 'Pilgrimage,' Part I., Bk. IV., chap. xix., § 7, p. 531 (1617), “They [the Chinois] heed not degrees of affinitie or consanguinitie, so this surname differ, and therefore marry in the Mothers kindred be it almost neuer so neere.”

Book IV., vii., p. 569, Therefore that Wiseacre deserves of all other to wear a toting horn.

“Toting” means protruding, projecting, sticking out. The present passage is cited by the N.E.D.

Book IV., vii., p. 571, Witness the tale of *Hans Boobikin*, a rich Boor's Son.

The case of *Hans Boobikin* is that of the young gentleman in 'Tristram Shandy,' Book IV., chap. xxix., *ad fin.*, and Selden's 'Table Talk,' lxxii., ('The King'), sect. 2.

Book IV., xxxix., p. 626, It [this World] is but a vale of Troubles.

For the figurative use of “vale of adversity,” “vale of misery,” &c., and for examples of “vale” denoting the world regarded as a place of trouble, sorrow, misery, or weeping, see the N.E.D. under *Vale* (the first substantive), 2. Coverdale's rendering of Psalm 83, 6, “which goinge thorow the vale of mysery, use it for a well,” may have helped to give currency to the phrase.

Mrs. Gamp was much enamoured of this figurative use. *E.g.* chapt. xix. of 'Martin Chuzzlewit,' “‘Ah! what a vale of grief!’ cried Mrs. Gamp, possessing herself of the bottle and glass.”

Chapter xxv., “. . . the last Monday evening fortnight as ever dawned upon this Piljian Projiss of a mortal wale.”

Chapter xl., “‘Which shows,’ said Mrs. Gamp, casting up her eyes, ‘what a little way you’ve travelled into this wale of life, my dear young creetur!’”

And (best of all) chapter xlix., “‘He was born into a wale,’ said Mrs.

Gamp, with philosophical coolness; 'and he lived in a wale; and must take the consequences of sech a sitiuation.'"

Other examples occur in chapters xxix. and xlvi.

Supplement, Document XIV., p. 661:

To JUDGE RUMSEY.

In his first note on this letter of Howell which appeared at the beginning of Rumsey's 'Organon Salutis,' Jacobs says that the Judge "was an old College chum of H.'s." Another reckless shot!

We are referred to p. xxvi. of the Introduction, but the Rumsey there mentioned is Edward Rumsey of Jesus College. The Judge's Christian name was *Walter*. He was several years older than Howell and had matriculated on Oct. 17, 1600, as a member of Gloucester Hall. He was admitted at Gray's Inn on May 16, 1603, and called to the Bar on June 3, 1608. He was certainly no "College chum" of Howell's. The letter is very carelessly printed in Jacobs's edition. Words are dropped in several places and close to the end *Compatriot* has been turned into *Companion*.

Supplement XIV., p. 662, *Touching Coffee*, I concur with them in opinion, who hold it to be that black broth which was us'd of old in *Lacedemon*, whereof the Poets sing; Surely it must needs be salutiferous, because so many sagacious, and the wittiest sort of Nations use it so much; as they who have conversed with *Shastres* and *Turbants* doe well know.

For the opinion that coffee was the Spartan black broth see Burton, 'Anatomy of Melancholy,' 2, 5, 1, 5, in a passage that was first inserted in the 4th edition (1632):

"The Turkes have a drinke called *Coffa* (for they vse no wine) so named of a berry as blacke as soot, and as bitter, (like that blacke drinke which was in vse amongst the *Lacedemonians* and perhaps the same) which they sip still of, and sup as warme as they can suffer."

On *Shastres* Jacobs has this note: "*Shastres*, or holy wisdom of the Hindoos, the four Shastras or sacred books."

This is sheer nonsense. What Howell wrote is: "*Shashes* and *Turbants*." See the quotations under *sash* in the 'Stanford Dictionary of Anglicised Words and Phrases,' e.g. from Sandys's 'Travels,' "All of them weare on their heads white Shashes and Turbants."

Payne Fisher's 'Encomium,' lines 4-6, p. 688:

*Nempe novum Æonidum Proles Montaccola fontem*

*Ostendit, sacrasq; aperit Tritonidis arces*

*Howelli Generosa Domus.*

I have already noted (*Aber. Studies*, vol. v., p. 72) that "Montaccola" does not indicate the particular place in Wales where Howell was born, as Jacobs thought, but has the general meaning of "Welsh," "Monticolia" being used for Wales in 'Dodona's Grove,' p. 46. I have since noticed a similar use of "Monticola" in a poem by E. Holdsworth of Magdalen College, Oxford, dated 1709. It is entitled 'Muscipula,' and

describes how Taffi the Welshman invents a mouse-trap because of the great destruction of cheese by mice. The piece begins :

Monticolam Britonem, qui primus vincula *Muri*  
Finxit, et ingenioso ocllusit carcere furem,  
Lethalesque dolos, et inextricabile fatum,  
Musa refer.

'Selecta Poemata Anglorum Latina,'  
edited by Edward Popham,  
2nd ed. 1779, p. 164.

Howell's Letters have hitherto fared badly at the hands of their professed expounders. In the notes appended to Dent's three-volume edition Jacobs's blunders have started a new life. The compiler reproduces, for example, his misstatements about the Markgraf of Ansbach (on I., 2, ix.), Mr. Vaughan of the Golden Grove (I., 3, xix.), James Howard (I., 6, xxvii.), and several others. These he has reinforced with errors of his own. Grosteste is said (on II., v.) to have been Bishop of London. We are told (on III., i.) that Louis Senault's *L'Usage des Passions* was translated by the Duke (!) of Monmouth.

He writes of Joseph Hall (on I., 2, iv.) that he "became later first Bishop of Norwich."

Howell deserves something better than this.<sup>1</sup> I only wish that I had the time and knowledge (and a forthcoming publisher) that I might do something for him myself. Meanwhile I hope that a competent editor in the future may profit by these contributions. I shall not grudge him the satisfaction of discovering my own mistakes.

EDWARD BENSLEY.

<sup>1</sup> But Reviewers seem easily satisfied. In a short notice by the *Athenæum*, July 16, 1892, we are told that Jacobs's "labour and learning . . . are worthy of warm recognition," that "he has been at pains to give a correct text," that "the annotations are excellent," and that "his work as an editor is, as a rule, marked by learning, good sense, and carefulness."

The writer of a four-column review in the *Academy*, on October 15 of the same year, pronounces the notes to be "learned and self-restrained," assures us that "a pretty rigorous examination has only revealed a very few positive mistakes," and maintains that Jacobs's edition of the *Epistolæ Ho-Eliaenæ* "should by all means find a place . . . with such monuments of erudition" as the Cambridge Shakespeare, Masson's Milton, and Birkbeck Hill's Boswell.



# HAMLET AND THE ESSEX CONSPIRACY

## PART I

It has long been recognised that Shakespeare felt considerable sympathy for the fate of Elizabeth's unlucky favourite—the Earl of Essex. Sir A. W. Ward in his history of *English Dramatic Literature* calls attention to several facts which are very significant in this connection. There is, for instance, the famous reference in 'Henry V' in the Chorus before Act V. to the expedition of Essex in the year 1599:

'As, by a lower but a loving likelihood,  
Were now the general of our gracious empress,  
As in good time he may, from Ireland coming,  
Bringing rebellion broachèd on his sword,  
How many would the peaceful city quit,  
To welcome him.'

There is no other political reference in Shakespeare so definite and unmistakable as this and it has the additional interest of being strictly contemporary.

Sir A. W. Ward finds also references to Essex in the play of 'Henry VIII' which he considers to have been composed (as is generally agreed) in the reign of James I and probably among Shakespeare's latest plays; it was almost certainly written in collaboration with Fletcher. The last words of Essex on the scaffold, "when my life and bodie shall part, send thy blessed angels, which may receive my soule and convey it to thy joys in heaven," are, with great fullness of detail, worked up in Buckingham's speech on his way to execution (Act II, Sc. i.). The whole character and fate of Buckingham are obviously intended to mirror the character and fate of Essex and reveal the strongest possible sympathy for the unhappy favourite.

The last words of Essex seem to have deeply impressed Shakespeare and are also quoted, as Malone long since pointed out, in the words of Horatio over the dying Hamlet (V, ii.):

'Good night, sweet prince,  
And flights of angels sing thee to thy rest.'

Most important, however, of all the Essex connections with Shakespeare is that of the play of 'Richard II.' One of the counts in the fatal indictment against Essex was that he and his friends had caused the acting of this play the night before the conspiracy. The company who performed it are certainly identified with Shakespeare's company by the fact that their manager—Augustine Phillips—was cited to appear and give evidence.

The play acted was 'Richard II.' and there can be no reasonable doubt that it was Shakespeare's play of that name: the deposition scene does not seem to have occurred in the older versions and was probably added for this occasion. The conspirators were accused (in the course of the Essex trial itself) of having desired to treat Queen Elizabeth in the same way as Richard II had been treated: namely by deposing and afterwards murdering her. The play of 'Richard II' was performed some forty times in all in London during the period of the conspiracy and trial and there is not the slightest doubt (from statements made in the course of the trial itself), that these performances were intended to excite sympathy with Essex.

John Nichols records that the queen showed the greatest anger on the subject of this play and identified herself with the king. 'Her Majesty fell upon the reign of Richard II, saying, "I am Richard II, know ye not that?"'

And again: 'Her Majesty said: "He that will forget God will also forget his benefactors; this tragedy was played 40 times in open streets and houses."'

Shakespeare's company fell into disgrace on account of their connection with the Essex conspiracy; they were compelled to travel in the provinces while their position as court favourites was taken by the 'Children of Paul's.' 'Hamlet,' as Mr. Boas and others have shown, was, in all probability, both composed and acted during the period when Shakespeare's company were travelling and in disgrace and both the travelling and the disgrace are definitely alluded to in the play itself (II, ii.):

*Ham.* What players are these?

*Ros.* Even those you were wont to take delight in, the tragedians of the city.

*Ham.* How chances it that they travel? their residence, both in reputation and profit, was better both ways.

*Ros.* I think their inhibition comes by means of the late innovation.

*Ham.* Do they hold the same estimation as they did when I was in the city? Are they so followed?

*Ros.* No, indeed, they are not.

*Ham.* How comes it? Do they grow rusty?

*Ros.* Nay, their endeavour keeps in the wonted pace: but there is, sir, an aery of children, little eyases, that cry out on the top of the question, and are most tyrannically clapped for it; these are now the fashion.

Now the 'little eyases' or 'young hawks' to whom Rosen-crantz refers are very generally supposed to have been the children of Paul's and the above is Shakespeare's reference to the disgrace of his company and their temporary supplanting by the children.

Under these circumstances and considering the fact that 'Hamlet' itself appears to have been written while Shakespeare's company were in disgrace and travelling in the provinces, we might very naturally expect to find some connection between Essex and the play of 'Hamlet,' and such a connection has, in fact, been not infrequently suspected. Thus Mr. J. T. Foard in 1889, and Professor Conrad (in *Preussische Jahrbücher*) 1895, both contended that Hamlet himself was drawn largely from Robert Devereux, Earl of Essex. Mr. Abbott, in his book on *Bacon and Essex*, did not go so far as this; but he believed that the instability of Hamlet's character was largely suggested by the instability of Essex in the last years of his life.

In a book of mine entitled *Hamlet and the Scottish Succession* (1920) I examined the question in the light of a good deal of new evidence and arrived at the conclusion that the play of 'Hamlet' did, indeed, grow out of the Essex conspiracy; but that the character of Hamlet was not to be taken as a portrait of any one person; but contained large elements drawn from the personality and story of James I and also from the personality and story of Essex.

Since publishing my book I have come across additional material which corroborates the view originally expressed and forms an important supplement; but at the same time sheds an entirely new light, hitherto unsuspected by me or, I think, by anyone else, on certain portions of the play.

I propose to give a summary (it can hardly be more) of the new material and to show how it does almost inevitably suggest a fresh and most interesting view of certain portions of the play of 'Hamlet.'

We may observe in the first place that the experience of Hamlet does show in many respects a close parallel to the experience of Essex.

The father of Essex—Sir Walter Devereux—whom Elizabeth created Earl of Essex, was one of the most admired and honoured men of his generation ; no man of his age held a higher reputation for honour, probity and patriotic service ; in that most difficult field for the Elizabethans—Ireland—he won the respect of both Irish and English ; he sacrificed his fortune most generously in the effort to make peace in Ireland and proved himself at once a statesman and a soldier.

Unfortunately for Walter, Earl of Essex, his beautiful and gifted wife happened to excite the attention of the Earl of Leicester. So far as public reputation was concerned, Leicester was the exact antithesis of Essex ; Elizabeth herself appears to have feared Leicester during the latter years of his life ; he was dangerously powerful and in many ways insolent ; he was extraordinarily licentious in his attitude to women and scandal accused him of several murders by the meanest of all methods—poisoning.

One thing is absolutely certain, that people who were in the way of Leicester had a habit of disappearing from life at precisely the moment likely to be most convenient to him.

It was this formidable person who fell in love with Lady Essex and seduced her. The Earl of Essex was about to return home from Ireland to exact, as every one believed, a reckoning from Leicester, when he was suddenly taken ill and died of a severe illness which the doctors suspected to be due to poisoning. He himself believed that he had been poisoned by the agents of Leicester and said so very candidly to his attendants. The death of a man so beloved, under such circumstances, excited the greatest rage and indignation and was, almost invariably, set down to Leicester's account.

The death of the Earl of Essex was very generally supposed to have been due to his own noble and unsuspecting nature : thus, in an anonymous work entitled *Remarks on the Reign of Elizabeth* (1712) we find a summary to the following effect :

‘ He died of a Flux Sep: 22<sup>d</sup> A.D. 1576 not without suspicion of poison and was buried at Carmarthen in South Wales. Which Suspicion was more augmented by the Earl of Leicester's marrying his widow. Thus it was this Noble Earl's Virtue and Integrity which

opened the way to his Ruin ; he was sincere himself and therefore was not suspicious of receiving foul play from others ; he thought his own Honesty a sufficient Security against all the ill designs that any man could harbour against him, and by this Means, neglecting his Guard, he laid himself open to the Plots and Contrivances of the Envious, when he was not Apprehensive that he had one Enemy in the World ; but too late he found he had many and one who was the Cause of all his Misfortunes, lay in his Bosom, I mean his Wife, whose beauty Leicester admired and married her while her former husband was scarce cold in his grave.'

Here surely we have a very close parallel with 'Hamlet,' the murder of the nobly unsuspecting man by means of poison and the hasty marriage of his widow to the murderer.

More important for our purpose, because strictly contemporary, is the work entitled *Leicester's Commonwealth*. It is anonymous and it cannot be considered as a historical document for it is mainly composed of scandals concerning Leicester, put together without sifting and without examination ; nevertheless, it is very valuable as giving the view of Leicester's character which was certainly entertained by a large majority of his contemporaries.

His character, as depicted in this work, is almost exactly that of the Claudius of Shakespeare's 'Hamlet' ; the unknown author describes Leicester as 'cruel, vindictive, expert, potent, subtil, fine and Fox-like.'

He continues :

'For first, his Lordship had a special Fortune, that when he desired any Woman's favour then what Person soever standeth in his way hath the luck to die quickly for the finishing of his desire.'

The author describes how Lady Sheffield's husband died quickly and proceeds :

'The like good chance he had in the death of my Lord of Essex and that at a time most fortunate for his purpose : for when he was coming home from Ireland with intent to revenge himself upon my Lord of Leicester for begetting his wife with child in his absence . . . my Lord of Leicester, hearing thereof, wanted not a friend or two to accompany the Deputy . . . so he died by way of an extreme Flux, caused by an Italian receipt (as all his friends are well assured) the maker whereof was a Surgeon (as is believed) that then was newly come to my lord from Italy, a cunning man and sure in operation.

' . . . Neither must you marvel though all these died of outward Diseases for this is the excellence of the Italian art who can make a man die in what manner or show of sickness you will.

' . . . The case of the Earl of Essex moved me more than all the rest ; for that he was a noble gentleman, a great advancer of true Religion, a Patron to many Preachers and Students.

' . . . Wherefore in this matter, there is no doubt at all though most extreme, vile and intolerable Indignity, that such a Man should be so openly murdered without punishment.'

The writer accuses Leicester of being as a sensualist no less dreadful and unrestrained :

' His Concupiscence and his violence do jointly run together. . . . Neither holdeth he any Rule in his Lusts, besides only the Motion and Suggestion of his own Sensuality : Kindred or Affinity or any other Bond of Consanguinity, Religion, Honour or Honesty taketh no place in his outrageous appetite, what he best liketh that he taketh as lawful for the time : So that Kinswoman, Allie ; Friend, Wife or Daughter . . . must yield to his desire. . . . He is more libidinous than ever, more given to procure love in others by Conjuring, Sorcery and other such means. . . . My lord's nature is bold and violent where it feareth no resistance (as all Cowardly Natures are by kind) and where any Difficulty or Danger appeereth, there more ready to attempt all by Art, Subtilty, Treason and Treachery. . . . He is crafty and subtle to deceive and ingenious to wickedness ; and as for Valour he hath as much as a Mouse, his Magnanimity is base Sordity, his Liberality rapine, his friendship plain fraud . . . he maketh as much account of a thousand oaths as hens do of cackling . . . if he will swear on the Bible than is he certainly swearing false . . . an observer said that in a very short space of time he observed him to be forsworn sixteen times.'

This is, of course, exactly the character ascribed to Claudius both by the Ghost and by Hamlet. We have the treacherous and cowardly nature which gets rid of noble foes by means of poisoning ; we have the methods of poisoning compared by Hamlet to Italian methods, for the parallel which he shows in the play dealing with Gonzago's death is an Italian one ; we have the poison so subtle that it simulates natural causes—a snake-bite ; we have the terrible licentiousness which extends itself even to incest ; we have the false oaths and the incessant trickery. We have the wife first seduced and married by the poisoner immediately after her husband's death.

Hamlet complains that his mother remarried within a month of his father's death (I, ii.) :

' A little month, or ere those shoes were old  
With which she follow'd my poor father's body,  
Like Niobe, all tears :—why she, even she—

O God ! a beast, that wants discourse of reason,  
Would have mourn'd longer.'

The Ghost describes Claudius as being both incestuous and adulterous yet, like Leicester, endowed with wit and complains that this man seduced his wife (I, v.) :

'Ay, that incestuous, that adulterate beast,  
With witchcraft of his wit, with traitorous gifts,—  
O wicked wit and gifts, that have the power  
So to seduce !—won to his shameful lust  
The will of my most seeming-virtuous queen.'

The Ghost describes the treacherous and subtle method by which he was poisoned, a method which simulated a natural death (I, v.) :

'Tis given out that, sleeping in my orchard,  
A serpent stung me ; so the whole ear of Denmark  
Is by a forged process of my death  
Rankly abused.'

Hamlet repeatedly expresses the same view of his uncle's character (II, ii.) :

'bloody, bawdy villain !  
Remorseless, treacherous, lecherous, kindless villain.'

And again (III, iv.) :

'A murderer and a villain ;  
A slave that is not twentieth part the tithe  
Of your precedent lord ; a vice of kings ;  
A cutpurse of the empire and the rule,  
That from a shelf the precious diadem stole,  
And put it in his pocket.'

The reputation of Leicester, as we have said, survived his death a long time and the curious anonymous poem called 'Leycester's Ghost,' published in 1641, repeats the same accusations as in *Leicester's Commonwealth*.

The poem speaks of his brilliant wit and eloquence, of how he assumed the principal position in the state and ruled it like a king, of the poisoners he employed and of his dissimulation.

'My braine had wit, my tongue had eloquence  
Fit to discourse and tell a courtly tale :  
My presence portly, brave, magnificent,  
My words imperious, stout, substantiall.

Lopus and Julio were my chiefe Physitians,  
Men that were cunning in the art to kill,  
Good Scholars, yet of passing ill condition,  
Such as would rid men's lives yet no blood spill.

I managed all the State, I did Command.

This is a maxime which to you I give,  
Men must dissemble or they cannot live.'

Sir John Hayward<sup>1</sup> repeats the same testimony; he said of the Earl of Leicester who was despised by the older nobles as being a parvenu and a new man:

'He was the true heir of his father's hatred against the Nobility and of his Subtilty to dissemble it. And afterwards for Lust and Cruelty the monster of the Court. And as he was apt to hate, so he was a true executioner of his hatred; yet rather by Cunning than by open dealing, as wanting rather Courage than Wit.

'... It is suggested that he died ... by Poison ... in which he was himself a rare Artist.

'... He was too well seen in the principles of Nicolas Machiavel the Florentine and the politics of Cæsar Borgia.'

The supposed Italian origin of Leicester's vices is noteworthy, giving, as we have already said, an additional reason for the Italian parallel in Hamlet's play (III, ii.):

'He poisons him i' the garden for's estate. His name's Gonzago: the story is extant, and writ in choice Italian; and you shall see anon how the murderer gets the love of Gonzago's wife.'

I turn now to the parallels between the Earl of Essex himself and the character of Hamlet.

The second earl, Robert Devereux, the favourite of Elizabeth, was himself a man of most versatile and attractive character; there must have been something particularly sympathetic about him, for it is very seldom that history gives us cognisance of a monarch's favourite who was also beloved and ardently beloved by a whole nation, and this was certainly the case with Robert Devereux.

During the later years of Elizabeth's life Essex rivalled and even surpassed Raleigh in the Queen's personal favour; but, whereas Raleigh was exceedingly unpopular with the nation as a whole, Essex was very popular and indeed almost adored by

<sup>1</sup> *Observations on the Reign of Elizabeth*, 1712.

every class of the people ; he was loved by the soldiers, who regarded him as the model of what a soldier ought to be and the greatest captain of his age and who compared him to Cæsar and Alexander, and his death to the death of Alexander in youth ; he was adored by the poets, for he was the generous patron of men of letters and himself a poet ; he was adored by the dramatists, for he took the greatest interest in their work, attended their rehearsals and found his favourite amusement in the drama ; he was also believed to have used the drama for political purposes.

Essex again was the leader of the Puritans ; he was deeply interested in theology and philosophy and a lover of scholars.

Most important of all, perhaps, as explaining his almost universal popularity, was the fact that he was the leader of the anti-Spanish party, the party who did not desire a peace with Philip II ; but who believed that the freedom of Europe could not be secured except by the overthrow of Spain.

In addition to all this Essex had the charm of great personal beauty, of keen wit and of the most winning courtesy of manner.

Essex claimed descent from Edward III ; he bore among his titles that of Hereford which had once before (in the person of Henry IV) led to the Crown, and his popularity was such that the Spanish and English State Papers repeatedly allude to the possibility of his becoming heir to the crown. He was accused at his trial of having desired to make himself King of England by the help of Tyrone ; the accusation does not appear to have been true ; but he was found guilty and put to death mainly on that part of the indictment.

What is absolutely certain is that, during the last years of Elizabeth, he was the person most prominent in the eyes of the nation, occupying a position not unlike that of heir to the crown and, beyond comparison, the most beloved man of his day.

He was more even than this. He was the person, above all others, whom the Elizabethans believed to represent most fully the genius of their age, to be a sort of incarnation of Elizabethan England : his high sense of honour, his passion for fame, his courage and contempt for death, his generosity, his versatile talents as soldier, statesman, scholar, wit, poet and patron of the drama, even the growing melancholy of his later years, all combined to make him seem to his own age their ' beau ideal ' ;

again and again they term him the 'mirror of honour,' the 'model of gentlemen.'

Not only are there numbers of the most impassioned panegyrics which were written upon him during his lifetime ; but, even after his death, the most impassioned laments for him were published, anonymously because the authors dared not append their names ; but expressing the utmost sincerity of grief.

No event in the whole reign of Elizabeth excited more general sorrow, compassion and dismay than the death of Essex on the scaffold, and the piteous ballad of 'Essex' Last Good Night' was published in the streets while his body was hardly cold.

Nor would the majority of the people ever believe that he was really guilty ; it was known that he had many enemies in the palace, that incessant underhand intrigues had been conducted against him by the Cecils and Raleigh, and he was believed to have been entrapped and led to his doom by his own unsuspectingness and generosity.

Essex had always known himself unsuited for a courtier and in his youth was only brought to Court and kept at Court by the commands of Leicester and the Queen ; again and again he desired to retire from Court and to dedicate himself to study ; the real passion of his youth was for scholarship and, as an ardent Protestant, he desired to study Protestant theology ; again and again he requested permission to be allowed to travel abroad or to be allowed to retire to his estate of Lampsie in South Wales. Anthony Bacon and he himself in his own letters, continually speak of his desire to travel in order to study and also of his desire for retirement. In his youth he hesitated between the profession of a scholar and the profession of arms ; the student's life and the soldier's life attracted him almost equally, but for the courtier's life he had no taste. Numerous observers, both English and foreign, speak of the unfitness of Essex for the Court : he disdained its frivolities, he despised its insincerities and affectations, he was dangerously candid ; he was especially given to the ridicule and contempt of old Lord Burleigh whom he despised as a dotard. At Court Essex was often melancholy, restless and impatient and longing to escape. His melancholy increased upon him till, during his last years, it combined with the troubles in Ireland and the intrigues against him at Court, to drive him almost to insanity. Essex's own letters, during his later years, show the instability which had become the chief

fault of his character, the continual vacillations of his will, his conviction that he was surrounded by enemies and his intense and growing weariness of life; the continual comments of observers show that this melancholy, interrupted by bursts of intense and spasmodic energy, frequently suggested insanity.

In all this the resemblance to Hamlet is marked and close and it extends even to minute details. The Essex liveries, for instance, were black, and Essex and his followers continually appeared at Court in 'inky hue'; so attired Essex and his followers must have stood out among the brilliant throng as Hamlet stands out at the Court of Denmark.

But I proceed to quote some of the more interesting parallels.

Essex is described as follows in the poem of 'Polyhymnia,' published in 1590:

'Young Essex, that thrice honourable earl;  
Yclad in mighty arms of mourners' hue,  
And plume as black as is the raven's wing.

His staves were such, or of such hue at least  
As are those banner staves that mourners bear,  
And all his company in funeral black.'

We may compare this with the black-clad figure of Hamlet at the Court of Denmark (I, ii.):

'Tis not alone my inky cloak, good mother,  
Nor customary suits of solemn black.'

In the entertainment given to Elizabeth at Oxford in 1592 we find Latin poems in honour of the different members of her retinue and one of the most enthusiastic is upon Essex: he is praised particularly for his learning and scholarship and as the admirer of learned men, himself more learned than they. With scholarship he combines also the genius of a soldier:

'Proximus accubuit reliquis Essexius heros,  
Nobilis et sapiens, superans juvenilibus annis

Qui doctos homines miratur, doctior ipse

In bello pugnax, vir strenuus.'

The Earl of Essex's own entertainment presented to the Queen in 1595 shows him hesitating as between the contemplative life

represented by the hermit, a warlike life represented by the soldier and the statesman's life.

'England's Address to Her Three Daughters' by Polemanteia in 1595 is dedicated to the Earl of Essex and praises him in the following terms :

'Sing of warres and of learned valour : of Mars' conquering honor : of the Court's Loadstarre : of England's Scipio . . . of Fame's glorie : of the Muses' eldest sonne : of Art's ornament : of Virtue's miracle : of Religion's champion . . . of thrice honourable noble Essex . . . he was sometime thy care (noble Cambridge), thou now art become his.'

Essex himself describes his own temperament in a paper addressed to Anthony Bacon in 1597 and speaks of his love of books and of retirement :

'First for my affection ; in nature it was indifferent to books and arms and was more inflamed with the love of knowledge than with the love of fame ; witness my contemplative retirement in Wales, and my bookishness from my childhood : and now if time, reason and experience have taught me to wish that unto myself which is best for myself, what should I not wish rather than martial employment . . . in which I have subjected myself . . . to all kinds of wants, discontentments of undisciplined and unruly multitudes.'

A very interesting contemporary poem is the one entitled : 'Honours Fame in Triumph Riding' or the Life and Death of the Late Honourable Earl of Essex, 1604.

This being written after Essex had died on the scaffold, cannot have been inspired by any motives of flattery and is all the more valuable as showing what his contemporaries really thought of him :

'Whilst breath gave strength unto his warlike arme  
He did uphold the pomp of England's state :  
He strove to shield his native soyle from harme,  
And did the pride of proudest foes abate.

Even from his youth, till years of riper strength,  
In vertues schoole, a studious life he spent :  
His Honor's thoughts, desir'd and gained at length  
Minerva's food, the sweet of his content :  
Apollo deckt his Muse in silver shrine,  
And wrapt in gould his goulden thoughts divine ;  
Honour's wonder, wisdom's mirror,  
In his brave breast lived together.

he deserv'd as much  
As ever any noble Conqueror did,  
His Conquering sword was with such mercie led :

In field, in court, in peace, in war he stood  
Inviron'd round about with honor and desert.

It's false to say hee would a King have bin :  
From faith and honour he made no such digression ;  
His heart was cleare from such so foule a sin,  
He always stood for this approved Succession.<sup>1</sup>  
Dead Earle, amidst bright Angel's wings,  
Essex thy heavenly spirit sings.'

The author goes on to dwell upon the personal virtues and graces of the Earle :

‘He fetcht no rules from hel borne Machiavel,  
His learning was divine Philosophy.

His person, as his virtues rare,  
Might Purchase with the world compare.

His Wisedome, Learning and his Eloquence,  
His well grac't speech and flowing utterance,  
His quicke conceit and Wisedome's comprehension  
All these rare Gifts his honour did advance,  
And made him live the Mirrour of our time ;  
Beyond whose worth, no worthier step could clime ;  
God and Nature did consent  
To make his Substance excellent.

He was not proud, but humble, courteous, meeke.

... For him who did a souldier love  
His death a souldier's griefe doth move;  
His mother England having slaine her sonne  
The world will say it was unkindly done.'

Among other elegiac poems upon Essex we may quote that of C. Best which also praises his patronage of scholars and soldiers :

‘Schollers and Soldiers both, were to him bound’;  
and his simplicity :

'All his life's morne he like a Romaine led.'

<sup>1</sup> James I.

There is also the epitaph of Robert Pricket :

‘ There sleeps great Essex, dearling of mankinde,  
Faire Honorslampe, foule Envies pray, Artes fame,  
Nature’s pride, Vertues bulwarke, lure of minde,  
Wisdomes’s flower, Valour’s tower, Fortune’s shame.’

Now here again we certainly have important parallels with the character of Hamlet. Hamlet also is unwilling to stay at Court ; he is pre-eminently a scholar and he wishes to leave the Court in order to study ; he is compelled to remain by Claudius and the queen, but, though he bows to their wishes, he does so with the greatest reluctance, and his chief friend and confidant throughout the play is the scholar Horatio, who is placed at his side as if to show that Hamlet is especially the friend and patron of learning.

Moreover, the study Hamlet desired was obviously that of theology and philosophy, those most congenial to Essex, for Wittenberg is especially mentioned as the place to which he wished to go. The king says to him (I, ii.) :

‘ For your intent  
In going back to school in Wittenberg,  
It is most retrograde to our desire :  
And we beseech you, bend you to remain  
Here in the cheer and comfort of our eye,  
Our chiefest courtier, cousin and our son.’

We observe that it is Claudius, the murderer of Hamlet’s father, who insists upon Hamlet’s remaining at Court, and it was certainly Leicester, the murderer of Essex’s father, who summoned Essex from his retirement and his studies to the Court of Elizabeth.

Hamlet, again, is a soldier as well as a scholar ; this aspect of his character has been very little dwelt upon by commentators, but it is implied throughout the play. Ophelia describes him as being possessed of (III, i.) :

‘ The courtier’s, soldier’s, scholar’s, eye, tongue, sword,’  
and it is especially and particularly as a soldier that Fortinbras desires to honour Hamlet in his death (V, ii.) :

‘ Let four captains  
Bear Hamlet, like a soldier, to the stage ;  
. . . and, for his passage,  
The soldiers’ music and the rites of war  
Speak loudly for him.’

It is equally obvious that Hamlet is unfitted by nature to be a courtier; in the scenes with Rosencrantz and Guildenstern (IV, ii.) and with Osric (V, ii.) we are shown unmistakably that Hamlet dislikes and despises the courtier and that his candour cannot endure the courtier's insincerity. Essex, when angry, was famous for his stinging mockery and so is Hamlet (V, ii.):

*Ham.* Put your bonnet to his right use; 'tis for the head.

*Osric.* I thank your lordship, it is very hot.

*Ham.* No, believe me, 'tis very cold; the wind is northerly.

*Osric.* It is indifferent cold, my lord, indeed.

*Ham.* But yet methinks it is very sultry and hot for my complexion.

*Osric.* Exceedingly, my lord, 'tis very sultry.

In the same way Hamlet shows his utter unfitness for the courtier's life by his contempt for Polonius at whom he incessantly gibes.

At the same time Hamlet is regarded, just as Essex was, as the mirror of his age, the man who more than any other sums up its brilliance and its versatility and who was more admired than any other.

Ophelia describes him as just such a 'beau ideal' (III, i.):

'O, what a noble mind is here o'erthrown!

The expectancy and rose of the fair state,

The glass of fashion and the mould of form,

The observed of all observers.'

Essex, again, was, as we have seen, famous for his eloquence and his poetry, and both gifts Shakespeare gives to Hamlet. Essex incurred the queen's displeasure by his devotion to the drama; he was certainly on most familiar terms with actors and took interest in their work and, as one of the counts in the fatal indictment reveals, he was supposed to have made a political use of the drama; the play involved was Shakespeare's play of 'Richard II' and the company Shakespeare's company.

Now Hamlet also takes a great interest in actors and their work and makes a political use of the drama and, as has already been pointed out, the company involved does present the most striking parallels to Shakespeare's company.

Similarly Hamlet engrosses the centre of the stage and always seems to fill it as Essex, for the minds of his contemporaries, filled the stage of his generation.

More than any other Essex was regarded as the epitome of his age and certainly Hamlet is the most representative and versatile of all Shakespeare's characters: in his poetry, in his learning, in his gifts as a soldier, in his eloquence, in his wit and charm, in his courage, in his generosity, in his high sense of honour, in his winning personality, in all these Hamlet and Essex are alike, and they are the Elizabethan age in its quintessence.

It is, however, in the last phase of the life of Essex that the parallels are most interesting and most close. Here again Essex is truly representative of his age; the nation had no longer its old decision; it hesitated, it was in two minds about its destiny, it was full of vacillations and doubts and the Jacobean melancholy was already pervading men's minds. In the character of Essex himself there was a curious duality; there is no doubt that he was very generally recognised as the greatest soldier the age possessed; he had acquitted himself brilliantly in France when he assisted Henry of Navarre and still more brilliantly at Cadiz. His panegyrists were continually extolling him as the Caesar or the Alexander or the Henry V of his age. But Essex also suffered from instability of character; he had, all his life, suffered from fits of depression and melancholy; in such fits of depression he would give way to brooding, would develop a passion for solitude, would be tempted to despair and he, the successful man of action, would become as if mentally lamed and incapable of decision. Whether Essex's contemporaries ascribed this peculiar mental instability to the early tragedy of his father's murder and to the impression that produced upon his mind, I cannot say; I have come across no evidence which suggests that they did; but the instability itself they had certainly observed and especially they had observed the change produced in him by the unlucky expedition to Ireland in 1599. Before that date his contemporaries saw in him mainly the brilliant and successful man of action and the witty scholar; after his return they saw in him mainly the man of maimed faculty and lamed will whose melancholy almost approached insanity and who had grown practically incapable of action. Nothing is more certain than that Essex, so far as his contemporaries were concerned, went into Ireland with the reputation of a Henry V and came out of it with the reputation of a Hamlet.

Essex's own letters show very plainly this development. Even in the times of his greatest prosperity, we find occasional fits of profound melancholy. Thus as early as September, 1591, we find him writing to Sir Robert Cécil: 'I wish to be out of my prison which I account my life.'

This is exactly the mood of Hamlet when he remarks (II, ii.): 'Denmark's a prison.' Rosencrantz answers: 'Then is the world one,' and Hamlet replies: 'A goodly one; in which there are many confines, wards and dungeons, Denmark being one o' the worst.'

Rosencrantz still protests and Hamlet reasserts, 'to me it is a prison.'

In the same month of the same year we find Essex writing in an exactly similar strain to the queen herself (Sept. 12th, 1591):

'I live still to curse my birthday and to long for my grave. . . . I will not be weary to serve you to my last hour what wrong soever you do to me, Your Majesty's servant, miserable by his loss and afflicted by your unkindness.'

Again in December, 1596, we find him complaining to Lady Bacon of the incessant intrigues against him at Court which often fill him with weariness of life:

'I live in a place where I am hourly conspired against and practised upon. What they cannot make the world believe that they persuade themselves unto; and what they cannot make probable to the Queen that give they out to the world. They have almost all the house to serve them as instruments.'

This again is like Hamlet who knows well that he has no sincere friends at Court and against whom Polonius, Rosencrantz and Guildenstern, Laertes and the rest continually conspire; Hamlet feels himself incessantly insecure, watched and spied upon and is continually goaded into anger.

We see it in the scene with Ophelia when he suspects that she is being used as a decoy (III, i.):

'Where's your father?

*Oph.* At home, my lord.

*Ham.* Let the doors be shut upon him, that he may play the fool nowhere but in's own house.'

We see it in the scene of the death of Polonius (III, iv.) where he obviously suspects a murderer behind the arras; we see it in the scornful sadness of his words (III, ii.): 'They fool me to the

top of my bent,' and his suspicions are only too well justified, for every mean trick is, in reality, played upon him ; he is continually watched, his letters to Ophelia are intercepted, Ophelia herself is used as a decoy, Laertes is goaded into quarrelling with him.

Essex was so exasperated by the continual intrigues against him at Court that, even in 1596, we find him repeatedly asking for permission to go away into retirement and study, which the queen would not permit.

We find him still aching for the same retirement in 1597 when he writes to her :

'I had rather retire my sick body and troubled mind into some place of rest, than, living in your presence, to come now to be one of those that look upon you afar off.'

The same restlessness and disgust, the same longing to escape is shown in a letter to the Lord Keeper in 1598 :

'Now I am become an hermit. . . . The indissoluble duty which I owe to her Majesty is only the duty of allegiance which I never will, nor never can, fail in. The duty of attendance is no indissoluble duty.'

In the same year he writes to the Queen :

'I receive nothing but discomforts and soul's wounds. . . . Let me honestly and zealously end a wearisome life.'

This again is exactly the mood of Hamlet in his soliloquies (I, ii.) when he says :

'Would that the Everlasting had not fix'd  
His canon 'gainst self-slaughter ! O God ! God !  
How weary, stale, flat and unprofitable  
Seem to me all the uses of this world !'

Or again (III, i.) :

'To die : to sleep ;  
No more ; and by a sleep to say we end  
The heartache and the thousand natural shocks  
That flesh is heir to, 'tis a consummation  
Devoutly to be wish'd. . . .  
For who would bear the whips and scorns of time,  
The oppressor's wrong, the proud man's contumely,  
The pangs of despised love, the law's delay,  
The insolence of office and the spurns  
That patient merit of the unworthy takes,  
When he himself might his quietus make  
With a bare bodkin ?'

Another letter which shows Essex precisely in the mood of Hamlet is one written to the Queen in 1599 :

‘From a mind delighting in sorrow; from spirits wasted with travail, care and grief; from a heart torn in pieces with passion; from a man that hates himself and all things that keep him alive, what service can your Majesty reap ?

‘ . . . The rebel’s pride and successes must give me means to ransom myself, my soul, I mean, out of this hateful prison, my body.’

Surely it would be impossible to have a greater resemblance to the mood of Hamlet than in this letter, actually written from Ireland.

The same mood persists to the end of his life ; we find him again writing to the Queen in May, 1600 :

‘as if I were thrown in a corner like a dead carcase, I am gnawed on and torn by the vilest and lowest creatures upon earth.

‘The prating tavern haunter speaks of me what he lists ; already they print me and make me speak to the world, and shortly they will play me in what forms they please upon the stage.’

Here again we have a curious parallel with ‘Hamlet’ where Shakespeare shows the dead exposed to the insults of a vile clown who is a tavern-haunter. The letter is also interesting as showing that Essex himself realised that he might be and probably would be represented upon the stage ; if his enemies could represent him upon the stage to show him contumely and scorn, could not Shakespeare represent him to defend him ?

A poem sent by Essex to the Queen in 1599 shows the same tendency : it reveals his longing for retirement and oblivion above all other things :

‘Happy he could finish forth his fate  
In some unhaunted desert most obscure,  
From all society, from love and hate  
Of worldly folk ; then should he sleep secure.’

Essex’s contemporaries were full of pity and apprehension for him at this period of his life. Sir John Harrington doubted his sanity ; he wrote :

‘Ambition thwarted in its career doth speedily lead on to madness ; herein I am strengthened by what I learn of my Lord of Essex, who shyfted from sorrow and repentance to rage and rebellion so suddenly as well proveth him devoide of goode reason or ryghte minde. . . .

His speeches to the Queen become no man who hath "*mens sana in corpore sano*." . . . The man's soul seemeth tossed to and fro like the waves of a troubled sea.'

It is easy to see how this instability of character, this profound, tragic melancholy, this suspicion of madness in one formerly the most admired man of his whole generation, it is easy to see how this might have suggested to Shakespeare many of the ideas in his 'Hamlet.'

When Essex was dead what his contemporaries mourned in him chiefly was the most distinguished soldier of his day and, as we have seen, it is as soldier that Fortinbras mourns Hamlet (V, ii.) :

'for his passage,  
The soldiers' music and the rites of war  
Speak loudly for him.'

Also, as has already been pointed out, the words of Horatio over the dying Hamlet are taken from the dying speech of Essex. All this from the very play which was written while Shakespeare and his company were in disgrace because of their participation in the Essex conspiracy !

L. WINSTANLEY.

## BENEDETTO CROCE'S DOCTRINE OF INTUITION COMPARED WITH MR. BRADLEY'S DOCTRINE OF FEELING

BENEDETTO CROCE's doctrine of Intuition is not merely a corollary of his philosophical system but is essential in principle with it. In order to discuss it, it is therefore necessary to give an outline of the system in which intuition has its important and peculiar function.

Croce is fundamentally in accord with the tradition of idealism. Reality, he says, is Mind (*Lo Spirito*) ; there can be no thing 'in itself,' nothing outside experience. The unity of the one Reality which is Mind is not destitute of internal differences ; and philosophy, which regards Reality in the most concrete possible way, takes account of these differences. Nevertheless, it seeks to preserve the conception of their ultimate unity. In this philosophy is unlike science, of which the classifications may be based merely on fictions created for convenience' sake—fictions which if ultimately true would destroy the unity of Reality.

Philosophic and scientific methods are pre-eminently contrasted in the philosophy of Mind as compared with the science of Mind, psychology. It is true that the latter has been described as the 'science of individual mind' and the former as the science of 'universal mind.' But this does not really explain the difference between them, for psychology does not treat of the individual mind as merely individual but as typical of 'mind' in general ; and the philosophy of Mind is concerned with mind not only as universal but in its particular manifestations. The difference of results is due not to difference of object but of method. Science is privileged to abstract from certain aspects of its subject-matter with a view to practical convenience in dealing with it—of the degree of abstraction permissible science itself must be the judge. But philosophy aims at presenting a system of Reality which shall be acceptable however deeply reason may probe ; it proceeds on one assumption and one only—that that which satisfies the demands of reason is true and real. Conse-

quently its results cannot be justified by those of science but only by internal agreement. Psychology, on the other hand, may make particular assumptions, *e.g.*, that there is an opposite of Mind, *viz.*, Body, which does not share its characteristics. These assumptions stand outside the science and are left unexamined. Ultimate truth must therefore be said to belong to the results of philosophy, rather than to those of science, if differences are found between them, and differences there are, even as to the fundamental characteristics of Mind.

The psychological division of Mind customary at least among philosophical psychologists, is into three ultimate faculties—Cognition, Conation, and Feeling. We need not ascribe to a faculty any occult power—it is simply a convenient term for a certain group of mental realities having in common a certain aspect. Cognition is the theoretical or knowing form of mind, and Conation is the practical desiring form of mind—both are alike active. But ‘Feeling’ is the passive form; in it the mind does not do but suffers—it is acted upon by other minds or by the non-mental.

Croce’s philosophical analysis of Mind does not agree with that of this psychology. He finds no use for the third form of mind, ‘feeling,’ which is on his view impossible, because all Mind is essentially *active*; it is an unfolding or development, a ‘history,’ and has only two forms, the theoretical and the practical, which are grades or ‘moments’ of the development. The function of Feeling so far as it has any at all is performed by these grades of Reality—its presentation as a third form of Mind is due to a confusion and obscurity in analysis; and Feeling is found useful as the region of dark beginnings. Whether or not its utility justifies its appearance as a third form in psychology, in philosophy Croce finds it has no place. A concrete analysis of experience reveals that in nature experience is an activity, either more theoretical than practical or more practical than theoretical, but never possessing one of these attributes to the utter exclusion of the other. These two grades of Reality may conveniently be subdivided, Theory into aesthetic and logic, Practice into economic and ethic, the sciences of intuition, conceptual knowledge, individual activity directed towards an end, and individual activity directed towards a rational or universal end. The content of Feeling finds its place among these, the only categories of mind.

For what is the nature of this supposed third faculty? In it are comprised those conflicting incipient desires, emotions and primary apprehensions from which will and knowledge develop; for we do not appear at the outset to possess either fully formed; and thus we may avoid the difficult problem as to which precedes the other. But Feeling, Croce says, is the substitute employed for the hitherto unrecognised grade of theoretical life which he calls intuition—the object of the science of æsthetic—which has proved so obscure and uncertain. Kant foreshadowed this when he treated æsthetic before logic; but he shared the general mistake of supposing that the æsthetic feeling of which the object is fine art is something different in kind from this primary æsthetic. Croce identifies the two and makes æsthetic the first form of knowledge—the intuition of reality which has not yet come to distinguish between reality and unreality. It is not an abstraction but a complete mode of life, having within it the three other modes, but these as merely implicit. Such a mode has a ‘distinct concept,’ which is concrete, *i.e.*, really embodied in the whole of life as one of its aspects (therein different from the so-called concept of, say, a triangle, for the universe cannot be said to have a triangular aspect). It is also universal—this is merely the other side of its concreteness; it is not like the concept of ‘cat’ which though concrete in a way that ‘triangle’ is not, is merely applicable within a limited region of Reality. In short, the concept of one of the grades or moments of reality is justified not merely by utility but by logical thinking as a necessary form of mind.

Every distinct concept is a synthesis of opposites, *e.g.*, beauty, the concept of the intuitive mode, contains within it, and subordinated to it, its opposite, ugliness. But with other ‘distinct’ concepts they are not in opposition or exclusion, but are united even in their distinction, for each is a different but in its way an adequate conception of the real. Beauty and Goodness are not negations of each other as are beauty and ugliness, good and evil.

Thus Croce points out that the concept of Activity must contain within it its opposite and exclusive concept, passivity, *i.e.*, the real has a negative moment. And as all four grades or moments of reality are each inclusive of all the real, in part explicit and in part obscurely, this negative moment of passivity cannot be excluded from any one of them in so far as it is active

or real. Thus the negative moment of passivity must be present in intuition, but merely as the reverse side of activity.

'Feeling,' however, is said to comprise not only the obscure source of developed life or mind, but also, in its character of passivity, those elements of pleasure and pain which are present in every concrete experience and yet seem to fall neither under the head of theory or of practice, to be neither knowing nor doing, but the mere affection of individual mind by another individual mind or some external body. Yet a little examination makes it impossible to believe that in being pleased or pained mind is really passive. Even if affected by another mind or body, pleasure and pain appear to be not the mere enduring, but the *response* of the mind to the external influence. The active side is first brought distinctly to light by Croce. It is not theoretical but practical, and it corresponds to the second grade of practical activity, the moral, as intuition does to the second grade of theoretical activity, conceptual knowledge. Pleasure and pain come under the head of economic activity, and are in fact identical with it. This third form of Mind is the activity of the individual directed towards a given end which is not necessarily rational. Nevertheless, economic activity is not immoral but a non-moral, and every moral act is *at least* economic. It is a state of innocence. Man cannot rest at its level, for it is also a state of incomplete development. He therefore proceeds to the ethical grade, where knowledge is complete and reason holds sway. Pleasure is the positive and pain the negative pole of the economic activity—the one is successful activity, the other thwarted, the passive element—and they are not mere accompaniments of this activity but actually identical with it.

Thus the content of Feeling is variously transferred to æsthetic and economic activity and the necessity for a third form of mind disproved. For it should be shown that such a form cannot be reduced to any other; it should have at least one peculiar feature; but the analysis of Mind into practice and theory leaves no residue for a third form.

Nevertheless, we can be in no hurry to reject a form of Reality which has seemed necessary to so many thinkers, and it seems profitable to examine more minutely the part played by Feeling in the philosophy of F. H. Bradley, for his conception of it has much in common with Croce's general doctrine. To begin with, he does not allow that Feeling, or as he sometimes describes it,

'immediate consciousness,' is ever *merely* passive. It is both passive and active, but these attributes are not distinguished from each other as they are at a higher grade. Feeling is the immediate unity at a level below relations (or logical conceptual thinking) of active and passive, self and not-self, mind and body, the individual and the universe. It is the base of all knowledge and all activity. But it is not to be described as knowledge, for knowledge implies the distinction between true and false, or the 'judgment' of reality, whereas in feeling all is real. Herein Bradley differs from Croce on a point of terminology, for Croce also says of intuition that it apprehends reality without knowing that it apprehends and is therefore really not apprehending. Yet he describes it as the first form of *knowledge*, the 'image forming' activity which is the necessary prelude of conceptual thinking, forming as it does the material of thought out of what we may describe as sensations, the non-existent beginning of things. Bradley also might call the first form knowledge, as the necessary prelude to knowledge, were it not that Feeling for him falls not only under the theoretical aspect, but, while it contains incipient knowledge, it contains also incipient will. As for Croce will or the practical is implicit even in the lowest grade of Mind. Nevertheless, he maintains intuition to be a purely theoretical form, not a 'mixed' form, so that he differs from Bradley. For the latter, the ideality in Feeling develops into both knowledge and will, and Feeling not only implicitly contains these grades, but, as for most psychologists, it is the sphere of pleasure and pain which we have seen Croce declare to be a grade of practical activity. If Croce is right, and this is the nature of pleasure, then Bradley's inclusion of it in Feeling would account for the supposed presence of will in the first grade of Mind. But surely, it may be objected, practical activity develops at an earlier stage than is implied by Croce's view, and it seems more natural to suppose with Bradley, that the germ both of theory and of practice is present in an undeveloped form of Mind for which feeling or Immediacy is as good a description as any we can discover ?

Bradley, we may say provisionally, looks at Mind from the standpoint of actual development and analyses it into three stages—feeling, the middle-space of relations wherein will and knowledge have their work, and the Absolute. Yet these stages are not to be understood as successive in time, they are an ideal

development, but a development none the less. Mind, it seems to the philosopher accounting for the world of knowledge and will which is reality for us, should begin with a state in which will and knowledge are equally present but undistinguished. Such seems the nature of all reality. And pleasure-pain, which is difficult to classify, seems to be present in the earliest form of life we know, so we may place it there and even suppose it peculiarly prominent there, and accompanying our more fully developed life of knowing and doing only as immediate consciousness. In Bradley's words, feeling, though transformed, is never transcended. Because we know and act we do not cease to feel. Thus at the second stage, relational consciousness, there is always a background of feeling in which the individual remains one with the universal life—does not distinguish a world of nature from a world of mind, himself from other individuals or the universe. Yet though we keep before us this presence of immediate consciousness at the relational level, we have not yet a scheme of the nature of Reality satisfactory to Reason. To obtain this, the material of which we have already treated has to be regarded in its unity, in such a way that no contradiction is present. This we call the Absolute Reality. It necessarily is real because it only is completely rational. Bradley says of immediate experience that not necessarily but possibly it existed prior to relational consciousness, in the life of the race if not in that of the individual. The Absolute stands in somewhat different relation ('relation' here is a metaphor; there cannot really be a relation—all relations falling within the middle-space itself) to the 'intellectual middle-space,' from the one in which that stands to immediate consciousness, because whereas they are at least possibly related in time, the Absolute being the only Reality is real eternally and there is no meaning in speaking of it as before or after feeling or relations. We may omit the Absolute then from the scheme of development for it corresponds to Croce's conception of Reality or Mind, not to one of its grades or moments. The grades in Bradley's philosophy form a logical scheme like Croce's.

But we miss from his philosophy Croce's emphasis on the practical side of Mind. The will or practical activity, latent like knowledge in Feeling, is not treated afterwards with the fullness accorded to conceptual knowledge or judgment. But it appears with or logically subsequent to, relational knowledge. For in judgment the real is first distinguished from the unreal,

and thus is will first made possible. For will is the effort consequent upon desire—the longing for the unreal contrasted with the real leads to activity which shall bring about the realisation of the object of desire. The world of knowledge precedes the moral world. Croce like Bradley does not seek to give account of the actual but of the logical development of Reality. Intuition like Feeling is complete in itself. It has no need of a higher form and the higher grade of knowledge depends upon it ; whereas actually intuition never does exist without conceptual knowledge. But Croce's interest in history and attention to the practical side of mind indirectly has an important effect on the doctrine of Intuition. We have seen that while there are many points in common between his doctrine of intuition and Bradley's of Feeling, in one important respect, not of function but of content, they differ. Bradley's Feeling contains pleasure and pain. Perhaps this is due to its apparent primitive existence, and also to its double aspect of activity and passivity. It is both a suffering and a response. Croce, however, assigns pleasure and pain *not* to a mode which is neither (or both) theoretical and practical, but to the practical mode of activity, and intuition is pleasant only so far as, being a distinct concept, it contains implicitly other modes. This is then a point upon which choice may be made between the two theories. And since there is no necessity to hold that pleasure and pain do actually, as they do logically, develop late, perhaps Croce's theory may be adopted as the more positive idealism.

We have hardly alluded to Croce's doctrine of art as intuition or expression. Art, he says, is not the most fully developed form of mind, but its base on which it is built. Identifying art with expression, we realise that language also is an intuition, and because conceptual thinking depends upon language, and practical activity on knowledge, intuition is the presupposition of all activity. As we have seen, it is present through all Reality and all Reality is in it, but it is theoretically capable of standing independently of all other grades of the real. The view of æsthetic as expression is an idealist view ; if art is expression there is according to Croce no 'physical' beauty in the strict sense ; there is no work of art, for the externalisation of the expression is, Croce says, an indifferent matter. But in this brief comparison of Croce's doctrine with Bradley's, there is no need to enter deeply into this view of the nature of art, for Bradley's doctrine may also be reconciled with it. Feeling, in

which there is no distinction between the real and the unreal, is quite able to contain the so-called æsthetic judgment, in which there is not even an hypothesis to the effect that its object is real, but a mere dropping of the distinction between real and unreal into temporary abeyance. According to the doctrine of 'degrees of reality' our so-called 'real world' is not the only one; every æsthetic world has a degree of reality and does not differ in Mind from the world we dignify with this title. Thus again Bradley's doctrine seems to foreshadow Croce's for Croce makes Beauty a 'distinct concept,' a mode of Reality complete in one aspect; and he insists that that expression which is the work of the highest artistic genius differs only in degree from the crude expression of an ordinary man's most commonplace speech. But while Croce definitely assigns art to the first grade of the real, it is doubtful whether Bradley ever definitely limited art to the sphere of Feeling or Immediate Consciousness. A shadow that goes before is not the substance and doubtless Croce's doctrine of art is substantially new. Nevertheless, there is nothing in it with which Bradley's view of feeling is in irreconcilable contradiction.

It seems that on the whole choice must be made between these systems chiefly as we find it reasonable to suppose that first we have knowledge—and then will; or else more satisfactory to suppose that the orderly world developed from an immediacy in which will and knowledge are both and equally implicit. Intuition, the image-forming activity, may seem to some to require a rudimentary will just as much as a rudimentary knowledge. If knowledge that does not distinguish true from false is knowledge, can will that does not distinguish the desired from the undesired perhaps be will? Can it even be prior to incipient knowledge? This question cannot well be answered except arbitrarily by Croce's philosophy. Yet, while he maintains that knowledge gives content to will and knowledge itself develops its own content, Croce does not fail to point out that ultimately they imply each other—the will is the Will of the thought and the thought is the Thought of the will. Perhaps in the end choice cannot be made by logical necessity but rather by the weight of æsthetic appeal; in the end it is rather the man that makes the philosopher than the philosopher the man.

VALMAI BURDWOOD EVANS.





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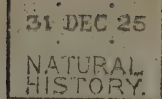
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# THE PRINCIPLES OF QUATERNIONS

## PRELIMINARY REMARKS

THE concepts of the Geometry of Euclid arose from observations made by the senses, and the use of co-ordinates gave an analytical equivalent. These concepts were for more than two thousand years regarded as necessities of thought. But the work of Lobatchewsky and others showed the possibility of other conceptions of geometry and disproved this necessity, while the suggested curved spaces of Riemann strengthened the same conclusion. But it should be remembered : (1) That it has been shown by Beltrami that Lobatchewsky's geometry and the earlier Elliptic and Hyperbolic geometry are reducible to that of Euclid. (2) The same arguments by which Mr. Bertrand Russell and others justify Euclidean geometry, not as a necessity of thought, but as a logical structure, also justify the conception of manifolds of more than three dimensions and their analytical representation, and thus render legitimate the device of replacing a so-called curved space by a selection of points chosen according to some law from a Euclidean manifold of higher dimensions.<sup>1</sup>

I quote a remark of the late M. Poincaré (*Science et Hypothèse*, Greenstreet's translation, end of Chapter III).

"One geometry cannot be more true than another ; it can only be more convenient. Now, Euclidian geometry is, and will remain, the most convenient : First, because it is the simplest, and it is not only so because of our mental habits nor because of the kind of direct intuition that we have of Euclidean space ; it is the simplest in itself, just as a polynomial of the first degree is simpler than a polynomial of the second degree. Secondly, because it sufficiently agrees with the properties of natural solids, those bodies which we can compare and measure by means of our senses."

<sup>1</sup> It may be well to say that these remarks have no bearing on the controversy as to the value of Euclid's *Elements* as a textbook. All the 'modern rivals' of Euclid accept Euclid's concepts of space, and thus their geometry is Euclidean.

It may be inferred that the work of geometers continued for so many centuries still retains its value and, further, that a thorough training in traditional geometry is essential as a preparation for the judgment of recent theories. The Quarternions of Hamilton and the Methods of Grassmann each afford a convenient mechanism for the treatment of Euclidean Geometry ; further, both have been extended so that their utility remains unaltered.

This paper contains a development of the fundamental properties of quaternions based on Hamilton's original communication to the Royal Irish Academy, not on the later definitions which he was (I think unfortunately) led to adopt. In his treatise on Electromagnetism Mr. Heaviside noticed the complications arising from the later point of view, which was the only one then generally known, and he proposed certain modifications now familiar to Physicists under the name of 'vector analysis.' With some of Mr. Heaviside's suggestions, such as the initial treatment of scalar and vector products, the treatment of differentiation, the useful terms curl and gradient, and others, one must agree. But on many points, and especially in notation, a return to the method of Hamilton would, I think, be much more useful.

(1) Mr. Heaviside condemns (square of unit vector) =  $-1$  instead of  $+1$ . I think this difficulty adequately dealt with in §§ 3, 4, *infra*.

It may be added that in vector analysis  $i^2$  is put =  $+1$ , and for this reason that system is not associative, thus seriously diminishing the power of the method. For in that system

$i^2j = (+1) \cdot j = j$ , while  $i(ij) = ik = -ki = -j$ , so that  $(ii)j$  and  $i(ij)$  are not equal.

(2) Hamilton employs Greek letters to represent vectors, and such letters can be drawn with one stroke of pen or pencil. On the other hand, in vector analysis vectors are represented by Roman letters in double pica type, the writing of which, especially in preparation for press, seems to me a needless tax on the writer.

Again, the use of the Hamiltonian symbols S and V as prefixes to scalar and vector products is significant and without ambiguity, and thus easily remembered. While vector analysts vary in the substitutes suggested for these symbols, and whether . stands for S and  $\times$  for V or *vice versa* is easy to forget.

(3) The subsequent development of 'dyads' by Prof. J. Willard Gibbs is only an equivalent to the quaternion theory of the linear vector function, and to me it seems by no means an improvement.

## QUATERNIONS

§ 1. The conception of vectors, their addition, and the resulting propositions were due (I think) to Möbius early in the last century. These topics are fully treated in any of the treatises on quaternions or on vector analysis, and as they are generally not controverted some summarised remarks here will be sufficient.

Vectors will always be represented by Greek letters except that the letters  $i, j, k$  are appropriated to represent vectors of unit length in the direction of the axes  $Ox, Oy, Oz$ . A *scalar* is another name for a positive or negative number. The useful name *tensor* is given to the length of a vector. Thus, if  $a$  is a vector in the direction  $Ox$ , then  $a$  must be some multiple of  $i$ , say  $a = xi$ , and  $x$  is the tensor of  $a$ . We may use the notation  $Ta$  for tensor of  $a$ , so that  $x = Ta$ , but the use of the symbol  $T$  for tensor may often be dispensed with.<sup>1</sup>

In our three dimensional space any vector is

$$\rho = ix + jy + kz,$$

where  $x, y, z$  are the co-ordinates of the second extremity of the vector with respect to axes through the first extremity in the directions  $i, j, k$ .

If we have two vectors

$$a = ix + jy + kz, \quad \beta = ix' + jy' + kz'$$

their sum might be defined thus :

$$a + \beta = i(x + x') + j(y + y') + k(z + z').$$

As  $x + x' = x' + x$ , etc., we have

$$a + \beta = \beta + a.$$

<sup>1</sup> The distinguished Italian Mathematicians who discovered certain differential invariants and their important properties gave no name to these invariants. The name 'tensor' was recently given to them in Germany. Foreigners were probably not aware of Hamilton's work and intended no discourtesy, and I think would not object to use some such descriptive term as 'invariant component' for the entities referred to instead of their present name tensor. I may mention that I have found the Hamiltonian conception of tensor useful in obtaining a simple deduction of Weyl's parallel transference.

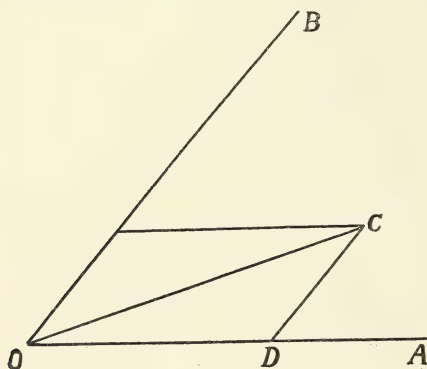
Also taking a third vector  $\gamma = ix'' + \dots + \dots$  then as  $(x + x') + x'' = x + (x' + x'')$ , we have

$$(a + \beta) + \gamma = a + (\beta + \gamma).$$

Thus the commutative and associative laws for addition are proved without further reference to a figure.

§ 2. The following illustration will be useful in proving the associative principle for multiplication.

Let  $oA = a$ ,  $OB = \beta$ ,  $OC = \gamma$  be three coplanar unit vectors, we shall obtain a linear relation connecting  $a$ ,  $\beta$ ,  $\gamma$ .



Draw  $CD$  parallel to  $BO$ , and meeting  $OA$  in  $D$ .

$$\begin{aligned} \text{Then } \gamma &= OC = OD + DC \\ &= OA \times \frac{\text{length of } OD}{\text{length of } OA} + OB \times \frac{\text{length of } DC}{\text{length of } OB} \\ &= a \frac{\sin DCO}{\sin CDO} + \beta \frac{\sin DOC}{\sin CDO}; \end{aligned}$$

therefore the required relation is

$$OC \sin AOB = OA \sin COB + OB \sin AOC.$$

It easily follows from the equation  $\rho = ix + jy + kz$  of § 1 that any four vectors in three dimensional space are connected by a linear relation. This relation is given in a simple form in § 15, G.

§ 3. *Products.* Some explanation may now be given in reference to the difficulty sometimes felt in admitting the statement  $i^2 = -1$ . Consider the expression  $ij$ . As  $i, j$  are unit vectors this reminds us of the arithmetical product  $(1)(1) = 1$ . But although  $i, j$  are unit vectors, they are not numbers. We may still call  $ij$  the product of  $j$  by  $i$ , but as no meaning has yet been assigned to such a product, we may give it any meaning we please. All we know is that  $ij$  must be something that is determined where  $i, j, k$  are given, that is must be some function of  $i, j, k$ . We might, for instance, assume

$$ij = 3i + 4j + 5k.$$

While we are quite free to make any such assumptions, they are advisable only when they lead to a simple calculus, which affords by elegant methods important and useful results.

In accordance with these principles vector analysts put

$$ij = k$$

the same as in quaternions.

The same argument applies to the product  $ii = i^2$ . Different meanings have been given to this product, namely  $i^2 = 0$  (Grassmann),  $i^2 = +1$  (Heaviside), and  $i^2 = -1$  (Hamilton). The system of Hamilton is associative, while that of Heaviside is not.

§ 4. Many mathematicians of Hamilton's time—J. T. Graves, R. Percival Graves, De Morgan and others—were also interested in the question of assigning suitable values to the products,  $ii$ ,  $jk$ , etc., and produced many interesting systems of 'triplets.' Most of them still retained the commutative principle, that is  $ij = ji$ , etc., and thus were not in all respects quite what was wanted. However, on October 16, 1843, in the course of a walk from Dunsink Observatory to Dublin, Hamilton interrupted an undercurrent of thought going on in his mind, and traced the following inscription on Brougham Bridge :

$$i^2 = j^2 = k^2 = ijk = -1.$$

He described this the same evening as 'the solution of a problem which had haunted me for at least fifteen years.' This is the quaternion system, and with the help of the associative principle, presently to be proved, gives the following results, which will be assumed as the laws of multiplication :

$$\begin{aligned} i^2 &= -1, \quad j^2 = -1, \quad k^2 = -1, \\ ij &= k = -ji, \quad jk = i = -kj, \quad ki = j = -ik. \end{aligned}$$

§ 5. Assuming provisionally the distributive law for products the product of two vectors  $\alpha$ ,  $\beta$ ,

$$\alpha = ix + jy + kz, \quad \beta = ix' + jy' + kz',$$

whose tensors are

$$r = \sqrt{(x^2 + y^2 + z^2)}, \quad r' = \sqrt{(x'^2 + y'^2 + z'^2)},$$

$$\text{is} \quad \alpha\beta = -xx' - yy' - zz'$$

$$+ i(yz' - y'z) + j(zx' - z'x) + k(xy' - x'y).$$

This product consists of two parts. The first line is a number (or scalar), and is denoted by  $S\alpha\beta$ ; and the second line is a vector, and is denoted by  $V\alpha\beta$ .

Such a sum, any scalar + any vector, is a quaternion, i.e. if  $w, x, y, z$  are any numbers, then

$$q = w + ix + jy + kz$$

is a *quaternion*. We have seen that

$$a\beta = Sa\beta + Va\beta.$$

Now let  $\phi$  be the angle between the vectors  $a, \beta$ , then

$$\begin{aligned} Sa\beta &= -xx' - yy' - zz' \\ &= -rr' \left( \frac{x}{r} \frac{x'}{r'} + \frac{y}{r} \frac{y'}{r'} + \frac{z}{r} \frac{z'}{r'} \right) \end{aligned}$$

$$\begin{aligned} &= -rr' \text{ (sum of products of corresponding direction cosines of } a, \beta) \\ &= -rr' \cos \phi. \end{aligned}$$

Again inspecting the value of the vector product we see that the co-factors of  $i, j, k$  are proportional to the direction cosines of the common perpendicular to  $a, \beta$ ; also its length

$$\begin{aligned} &= \sqrt{\{(yz' - y'z)^2 + \dots + \dots\}} \\ &= \sqrt{\{(x^2 + y^2 + z^2)(x'^2 + y'^2 + z'^2) - (xx' + yy' + zz')^2\}} \\ &= \sqrt{\{r^2 r'^2 - (-rr' \cos \phi)^2\}} \\ &= rr' \sin \phi. \end{aligned}$$

Thus the scalar product of two vectors is minus the product of their lengths into the cosine of the included angle. Also the vector product is a vector perpendicular to both the given vectors and relatively on the same side of the plane  $a\beta$  that  $i$  is of the plane  $jk$ ; and whose length is the area of the parallelogram whose sides are  $a, \beta$ .

§ 6. We note the following corollaries :

$$\begin{aligned} Sa\beta &= S\beta a, \quad Va\beta = -Va\beta. \\ a\beta &= Sa\beta + Va\beta, \quad \beta a = Sa\beta - Va\beta. \end{aligned}$$

The condition that  $a, \beta$  may be at right angles is

$$Sa\beta = 0.$$

If  $Va\beta = 0$ , then  $a, \beta$  are in the same direction. The square of a vector

$$\begin{aligned} a^2 &= (ix + jy + kz)^2 = -(x^2 + y^2 + z^2) \\ &= -\text{square of its length.} \end{aligned}$$

The square of a unit vector  $il + jm + kn$ , where  $l, m, n$  are direction cosines, is  $-1$ .

$(ix + jy + kz)/\sqrt{(x^2 + y^2 + z^2)}$  is evidently a unit vector.

§ 7. Any quaternion is

$$q = Sq + Vq = w + ix + jy + kz = w + a,$$

where  $w = Sq$  is a number, and  $a$  is put for the vector part.

Taking another quaternion  $\bar{q}' = w' + a'$ , then

$$\begin{aligned} qq' &= (w + a)(w' + a') \\ &= ww' + Saa' + wa' + w'a + Vaa', \end{aligned}$$

another quaternion, of which the first two terms constitute the scalar, and the rest the vector part.

The conjugate of  $q$  or  $Kq$  is  $w - a$ ; and

$$qKq = w^2 - a^2 = w^2 + x^2 + y^2 + z^2 = (Tq)^2$$

where the positive square root of  $w^2 + x^2 + y^2 + z^2$  is defined as the tensor of  $q$  and denoted by  $Tq$ .

As a special case the conjugate of a vector  $a$  or  $ix + jy + kz$  is  $-a$  and its tensor is  $Ta$  or  $\sqrt{(x^2 + y^2 + z^2)}$ .

$$\begin{aligned} \text{Again } q &= Tq \left\{ \frac{w}{Tq} + \frac{\sqrt{(x^2 + y^2 + z^2)}}{Tq} \frac{ix + jy + kz}{\sqrt{(x^2 + y^2 + z^2)}} \right\} \\ &= Tq(\cos \phi + \delta \sin \phi), \end{aligned}$$

where  $\delta = (ix + jy + kz)/\sqrt{(x^2 + y^2 + z^2)}$  is a unit vector, called the *axis* of the quaternion; and  $\phi$  the angle determined by  $\cos \phi = w/Tq$ ,  $\sin \phi = \sqrt{(x^2 + y^2 + z^2)}/Tq$  is called the *angle* of the quaternion. Thus any quaternion may be expressed in the form

$$q = t(\cos \phi + \delta \sin \phi),$$

where  $\delta$  is a unit vector, and  $t$  is a number.

§ 8. Let us find the product of this quaternion into a unit vector  $\beta$  perpendicular to the axis  $\delta$ , so that  $S\delta\beta = 0$ , and  $\delta\beta = V\delta\beta = \gamma$ , say.

Then

$$\begin{aligned} q\beta &= t(\cos \phi + \delta \sin \phi)\beta \\ &= t(\beta \cos \phi + \gamma \sin \phi). \end{aligned}$$

But as  $\beta$  and  $\gamma$  are perpendicular vectors of equal length the sum  $\beta \cos \phi + \gamma \sin \phi$  is also a unit vector inclined to  $\beta$ ,  $\gamma$  at the angles  $\phi$ ,  $\pi/2 - \phi$ . Thus the effect of a quaternion as an operator on a vector perpendicular to its axis is to turn that vector through an angle equal to the angle of the quaternion in a plane perpendicular to the axis of the quaternion (the *plane* of the quaternion), while altering its length in the ratio  $t:1$ . This is merely an incidental property, and I have found that it is shared with other linear algebras.

Again we have found that  $q\beta$  is a vector, =  $\varepsilon$  say. This gives

$\frac{\varepsilon}{\beta} = q$ , so that the quotient of one vector by another is a quaternion,

§ 9. Returning now to the laws of multiplication assumed in § 5 we remark that scalars (or numbers) are commutative with each other. They are also commutative with vectors, so that  $x(y\rho) = x(\rho y) = xy\rho = yxp$ . This might be a matter of definition. Again the product of a vector consisting of components by a scalar  $a$  is the sum of the products of its components by  $a$ . Thus  $a(ix + jy + kz) = axi + ayj + azk$ . This easily follows from the definition of the sum of two vectors (§ 1), but it is only asserting that the alteration of the lengths of the component sides of a parallelepiped all in the ratio  $a : 1$  implies the alteration of the resultant diagonal in the same ratio.

Again taking three vectors

$$a = ix + jy + kz, \quad \beta = ix' + jy' + kz', \quad \gamma = ix'' + jy'' + kz''$$

then

$$\begin{aligned} Sa(\beta + \gamma) &= -x(x' + x'') - y(y' + y'') - z(z' + z'') \\ &= -(xx' + yy' + zz') - (xx'' + yy'' + zz''); \end{aligned}$$

therefore  $Sa(\beta + \gamma) = Sa\beta + Sa\gamma$ .

Again

$$\begin{aligned} Va(\beta + \gamma) &= i\{y(z' + z'') - z(y' + y'')\} + j\{\dots\} + k\{\dots\} \\ &= i(yz' - y'z) + \dots + \dots + i(yz'' - y''z) + \dots + \dots; \end{aligned}$$

therefore  $Va(\beta + \gamma) = Va\beta + Va\gamma$ .

By addition  $a(\beta + \gamma) = a\beta + a\gamma$ .

Similarly  $(\beta + \gamma)a = \beta a + \gamma a$ ; and that like laws hold for quaternions is seen by replacing  $q$  by  $w + a$ , etc. In this manner the distributive law for products is fully proved.

§ 10. *The associative principle.* We are aware of this in arithmetic, namely that the result of multiplying by successive factors is equivalent to a single multiplication by their product. Thus  $a(bc) = (ab)c$ .

For vectors we have to prove that

$$(a\beta)\gamma = a(\beta\gamma)$$

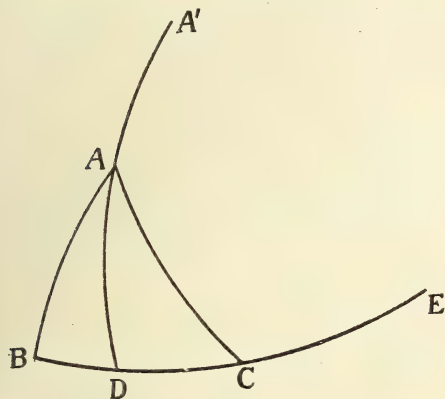
or that  $(Sa\beta + Va\beta)\gamma = a(S\beta\gamma + V\beta\gamma)$

or that  $S \cdot (Va\beta)\gamma = S \cdot aV\beta\gamma \quad (1)$

and  $\gamma Sa\beta + V \cdot (Va\beta)\gamma = aS\beta\gamma + V \cdot a(V\beta\gamma) \quad (2)$

It will plainly be sufficient to prove the equations (1), (2) for unit vectors; for if that is done the change of  $a$  to  $aa$  (where  $a$  is a scalar) is only multiplying both sides of the equations by  $a$ , and similarly for  $\beta$ ,  $\gamma$ . We may therefore assume that  $a$ ,  $\beta$ ,  $\gamma$  are unit vectors drawn from the origin  $O$ . The extremities of  $a$ ,  $\beta$ ,  $\gamma$  are then the vertices of a spherical triangle  $ABC$

on the unit sphere whose centre is  $O$ . Let  $A'B'C'$  be the polar triangle and  $E$  the pole of the arc  $AA'$ . Then  $A'A$  or  $AD$  is a secondary to the arc  $BC$ . Then



$$\begin{aligned}
 SaV\beta\gamma &= (S.OA.OA') \\
 &\quad \sin BC. \\
 &= -\cos AA' \\
 &\quad \sin BC. \\
 &= -\sin AD \\
 &\quad \sin BC. \\
 &= -6 \text{ (volume} \\
 &\quad \text{of tetrahedron } OABC).
 \end{aligned}$$

And similarly  $S.(Va\beta)\gamma$   
= the same.

Thus (1) is proved.

Again

$$\begin{aligned}
 V.aV\beta\gamma &= V.OA.OA' \sin BC. \\
 &= -OE \sin AA' \sin BC.
 \end{aligned}$$

But (§ 2) (vector  $OC$ )  $\sin BE$  = (vector  $OB$ )  $\sin CE$  + (vector  $OE$ )  $\sin BC$

or  $\gamma \cos BD = \beta \sin CE + OE \sin BC$ .

$$\begin{aligned}
 \text{Therefore } V.aV\beta\gamma &= -\sin AA'(\gamma \cos BD - \beta \sin CE) \\
 &= \beta \cos AD \cos DC - \gamma \cos AD \cos BD \\
 &= \beta \cos AC - \gamma \cos AB.
 \end{aligned}$$

$$\text{Therefore } V.aV\beta\gamma = -\beta Sa\gamma + \gamma Sa\beta \quad \dots \quad (A)$$

Similarly it is proved that

$$V.(Va\beta)\gamma = aS\beta\gamma - \beta Sa\gamma \quad \dots \quad (B)$$

and thus (2) is verified.

We may notice further that as

$$V.a\beta\gamma = V.a(S\beta\gamma + V\beta\gamma) = aS\beta\gamma + V.aV\beta\gamma;$$

$$\text{therefore } V.a\beta\gamma = aS\beta\gamma - \beta Sa\gamma + \gamma Sa\beta \quad \dots \quad (C)$$

The formulae (A), (B), (C) are of continual use in the practice of quaternions.

§ 11. The associative principle is now easily extended to quaternions. First we notice that if  $w$  is a scalar and  $a$  and  $\beta$  are vectors, then  $(wa)\beta = w(a\beta)$ ,  $aw = wa$ ,  $a(w\beta) = w(a\beta)$ . Then the product of three quaternions  $qrs = (w + a)(w' + \beta)(w'' + \gamma)$  consists of terms such as  $ww'w''$ ,  $aw'\gamma$ , etc., all of which are evidently associative except the last  $a\beta\gamma$ , and this we have proved to be associative (§ 10).



$$\begin{aligned} Sa\beta\gamma &= Sa(S\beta\gamma + V\beta\gamma) = SaV\beta\gamma \\ &= S(ix + jy + kz) \{i(y'z'' - z'y'') + \dots + \dots\}; \end{aligned}$$

therefore

$$\begin{aligned} Sa\beta\gamma &= - \begin{vmatrix} x & y & z \\ x' & y' & z' \\ x'' & y'' & z'' \end{vmatrix} \\ &= - \text{volume of parallelepiped on } a, \beta, \gamma. \end{aligned}$$

Hence  $Sa\beta\gamma = 0$  is the condition that three vectors  $a, \beta, \gamma$  may be parallel to one plane; or if they all start from the same point, that they may be co-planar. We note also that

$$Sa\beta\gamma = S\beta\gamma a = S\gamma a\beta.$$

Also that the interchange of any two vectors in such a product changes the sign ( $Sa\beta\gamma = -S\beta a\gamma$ , etc.), and that if any two of the three  $a, \beta, \gamma$  are identical then  $Sa\beta\gamma = 0$ . Thus

$$Sa^2\gamma = 0, Sa\gamma a = 0, \text{ etc.}$$

§ 15. In § 10 there are formulae (A), (B), (C) of continual utility, and some others will now be given.

If we replace  $Sa\beta\gamma$ ,  $S\rho\sigma\tau$  by their expressions as determinants and then apply the rule for the product of two determinants we obtain

$$Sa\beta\gamma S\rho\sigma\tau = - \begin{vmatrix} Sap & Sa\sigma & Sa\tau \\ S\beta\rho & S\beta\sigma & S\beta\tau \\ S\gamma\rho & S\gamma\sigma & S\gamma\tau \end{vmatrix} \quad . \quad . \quad . \quad (D)$$

If  $a$  is any vector, and  $q$  any quaternion (which may be the product of any number of vectors or quaternions), then

$$Sa q = Sa(Sq + Vq) = SaVq,$$

similarly  $Sqa = S.(Vq)a$ . This principle is often needed. Thus

$$Sa\beta\gamma = S.(Va\beta)\gamma = S.a(V\beta\gamma).$$

We may now investigate expressions for the scalar and vector parts of  $Va\beta V\gamma\delta$ . Put  $V\gamma\delta = \rho$ , then the vector part is

$$V.(Va\beta)\rho = aS\beta\rho - \beta Sap;$$

therefore  $V.Va\beta V\gamma\delta = aS\beta\gamma\delta - \beta Sa\gamma\delta$ . . . . (E)

Again the scalar part is  $S.(Va\beta)\rho = Sa\beta\rho$

$$= S.aV\beta\rho = S.aV(\beta V\gamma\delta) = Sa(-\gamma S\beta\delta + \delta S\beta\gamma);$$

therefore  $S.Va\beta V\gamma\delta = Sa\delta S\beta\gamma - Sa\gamma S\beta\delta$ . . . . (F)

Again to express any vector  $\rho$  as a linear function of  $a, \beta, \gamma$ .

Assume  $\rho = xa + y\beta + z\gamma$ . Operate by  $S \cdot \beta\gamma$ , then

$$S\beta\gamma\rho = xS\alpha\beta\gamma,$$

which determines  $x$ , and similarly for  $y, z$ . Thus we find

$$\rho S\alpha\beta\gamma = aS\beta\gamma\rho + \beta S\gamma\rho a + \gamma S\alpha\rho\beta \quad \dots \quad (G)$$

This is the linear relation connecting any four vectors.

Again to express  $\rho$  as a linear function of  $Va\beta, V\beta\gamma, V\gamma a$ .

Assume  $\rho = xV\beta\gamma + yV\gamma a + zVa\beta$ . Operate by  $S \cdot a$ , then  $Sap = xS\alpha\beta\gamma$ , which determines  $x$ . Similarly for  $y, z$ . Thus we find

$$\rho S\alpha\beta\gamma = SapV\beta\gamma + S\beta\rho V\gamma a + S\gamma\rho Va\beta \quad \dots \quad (H)$$

§ 16. The equation

$$\rho = a + f\beta,$$

where  $f$  may be any number, evidently represents a straight line in the direction  $\beta$ , passing through the extremity of the vector  $a$  drawn from the origin.

$$\rho = a + f\beta + g\gamma$$

represents a plane through the extremity of  $a$ , parallel to the directions  $\beta$  and  $\gamma$ .

If  $a$  is the perpendicular from the origin on this plane, then operating by  $S \cdot a$  we obtain the equation of the plane in the form

$$Sap = a^2, \text{ or } Sap = \text{constant.}$$

Thus, to find the length of the perpendicular from the origin on the plane  $Sap = a$ . Let the perpendicular be  $ha$ , then  $Sap = Sa(ha) = ha^2$ , also  $= a$ , therefore  $h = a/a^2$ , and the perpendicular is  $(a/a^2)a$ , whose length is  $-a/Ta$ .

If the straight lines

$$\rho = a + f\beta, \quad \rho = \gamma + g\delta$$

meet then  $a + f\beta = \gamma + g\delta$  for special values of  $f, g$ , or

$$a - \gamma + f\beta - g\delta = 0.$$

Therefore  $a - \gamma, \beta, \delta$  must all be parallel to one plane, and the condition that the two lines may meet is

$$S(a - \gamma)\beta\delta = 0.$$

The equation of a sphere whose centre is the extremity of  $a$  and radius  $r$  is evidently

$$(\rho - a)^2 = -r^2,$$

or  $\rho^2 - 2Sap + a^2 + r^2 = 0.$

Since  $\rho = ix + jy + kz$  gives  $Sip = -x$ , etc., any Cartesian

equation is transformed into a quaternion form by substituting  $-Sip$ ,  $-Sjp$ ,  $-Skp$  for  $x$ ,  $y$ ,  $z$  respectively.

§ 17. *Differentiation.* Example.—The differential of  $\rho^2$  is  $(\rho + d\rho)^2 - \rho^2 = 2Spd\rho$ , neglecting  $(d\rho)^2$ , or

$$d(\rho^2) = 2Spd\rho.$$

Or thus

$$\begin{aligned} d(\rho^2) &= d(-x^2 - y^2 - z^2) = -2(xdx + ydy + zdz) \\ &= 2S(ix + jy + kz)(idx + jdy + kdz) \\ &= 2Spd\rho.^1 \end{aligned}$$

Again  $\frac{d\rho^2}{d\rho} = \frac{2Spd\rho}{d\rho} = \left(\frac{2Spd\rho}{d\rho^2}\right)d\rho = (\text{a scalar}) (d\rho)$ , which

depends on the direction of  $d\rho$ . In fact there is no such thing as a differential coefficient with respect to a vector. But we may differentiate with respect to scalars by the usual rules of the Calculus, if we take care to differentiate each factor *in situ*. Thus, if  $\alpha$ ,  $\beta$ ,  $\gamma$  are functions of a number  $x$ , then

$$\frac{d}{dx}(\alpha\beta\gamma) = \frac{d\alpha}{dx}(\beta\gamma) + \alpha\frac{d\beta}{dx}\gamma + \alpha\beta\frac{d\gamma}{dx}.$$

Again

$$\frac{d(a^3)}{dx} = \frac{d(aaa)}{dx} = aa\frac{da}{dx} + a\frac{da}{dx}a + \frac{da}{dx}aa = 2a^2\frac{da}{dx} + a\frac{da}{dx}a.$$

As an illustration consider a moving particle.

Its vector is  $\rho = ix + jy + kz = \phi(t)$ , as  $x$ ,  $y$ ,  $z$  are functions of  $t$ . Then  $\frac{d\rho}{dt} = i\frac{dx}{dt} + \dots + \dots$ , or  $\phi'(t) = i\dot{x} + j\dot{y} + k\dot{z}$ .

This is the velocity. Again, the acceleration is

$$\phi''(t) = i\ddot{x} + j\ddot{y} + k\ddot{z}.$$

§ 18. If we have forces  $\beta_1$ ,  $\beta_2$ ,  $\beta_3$ , etc., acting at the extremities of vectors starting from the origin  $a_1$ ,  $a_2$ ,  $a_3$ , etc., then the resultant force is  $\Sigma\beta$  and the resultant couple is  $\Sigma Va\beta$ ; hence the conditions of equilibrium are

$$\Sigma\beta = 0, \quad \Sigma Va\beta = 0.$$

<sup>1</sup> Here  $d\rho$ ,  $dx$ , etc., are infinitesimals. Hamilton generally used finite differentials, indicated by the letter D. The analysts who have investigated the foundations of the Differential Calculus would have profited by his method, had they been aware of it. As an instance, I work out the differential (finite) of  $y$ , where  $y = x^2$ . Then

$$Dy = \text{Limit } n \left\{ \left( x + \frac{Dx}{n} \right)^2 - x^2 \right\} = 2xDx.$$

If a particle is moving, the effective force on a particle  $m$  at  $x, y, z$  is  $m(i\ddot{x} + j\ddot{y} + k\ddot{z}) = m\ddot{\rho}$ , and the moment of this with respect to the origin is  $mV\rho\ddot{\rho}$ . Hence for a rigid body in motion we have the equations

$$\Sigma\beta = \Sigma m\ddot{\rho}, \quad \Sigma Va\beta = \Sigma mV\rho\ddot{\rho}.$$

§ 19. The angle  $\phi$  between two vectors  $a, \beta$  is obviously given by the equation  $\sin \phi = TVa\beta/(TaT\beta)$ ; and if  $a, \beta$  are consecutive so that  $\beta = a + da$  this becomes

$$\phi = \frac{TVada}{(Ta)^2}.$$

§ 20. The treatment of curves can only be summarised here. The co-ordinates  $x, y, z$  of any point on the curve are regarded as functions of  $s$ , the length of the arc measured from any fixed point of the curve; and derivatives with respect to  $s$  are indicated by dashes as in Smith's *Solid Geometry*. If  $\rho$  is the vector to any point,  $\rho = ix + jy + kz = \phi(s)$ , then  $\rho' = \phi'(s) = ix' + jy' + kz'$ , and since  $ds^2 = dx^2 + dy^2 + dz^2$  or  $x'^2 + y'^2 + z'^2 = 1$ , we see that  $\phi'(s)$  is a unit vector in the direction of the tangent.

Differentiating  $(\phi's)^2 = -1$ ,  $S\phi'(s)\phi''s = 0$ , so that  $\phi', \phi''$  are at right angles. The difference of the unit vectors  $\phi'(s)$  and  $\phi'(s + ds)$  is  $\phi''(s)ds$ , and is in the direction of the principal normal. The angle between these consecutive tangents is given (§ 19) by  $d\theta = TV(\phi's)(\phi''sds)/+1 = dsT\phi'(s)\phi''(s) = dsT\phi''(s)$ . There the principal radius of curvature  $R$  is given by

$$\frac{1}{R} \left( \text{or } \frac{d\theta}{ds} \right) = T\phi''(s).$$

Hence also

$$\frac{1}{R^2} = -\{\phi''s\}^2 = x''^2 + y''^2 + z''^2;$$

and  $R\phi''(s)$  is a unit vector in the direction of the principal normal.

§ 21. The product of the two rectangular unit vectors  $\phi'(s)$  ( $=\tau$  say) and  $R\phi''(s)$  ( $=\nu$  say) is a unit vector  $R\phi'(s)\phi''(s) = \beta$  say, in the direction of the binormal.

The angle  $d\eta$  between consecutive binormals is by § 19 and E (§ 15),

$$\begin{aligned} d\eta &= TV \cdot V\phi'(s)\phi''(s)V\phi'(s)\phi'''(s)ds/[TV\phi'(s)\phi''(s)]^2 \\ &= R^2dsT\phi'(s)S\phi''(s)\phi'(s)\phi'''(s); \text{ therefore the torsion} \\ &1/t \text{ or } d\eta/ds = -R^2S\phi'(s)\phi''(s)\phi'''(s) \end{aligned}$$

The following expressions for the derivatives of  $\tau$ ,  $\nu$ ,  $\beta$  follow easily; they are equivalents of Frenet's formulae.

$$\frac{d\tau}{ds} = \frac{\nu}{R}, \quad \frac{d\beta}{ds} = -\frac{\nu}{t}, \quad \frac{d\nu}{ds} = \frac{\beta}{t} - \frac{\tau}{R}.$$

§ 22. *Surfaces.* The radius vector to any point on a surface is  $\rho = ix + jy + kz$ , where  $x$ ,  $y$ ,  $z$  are definite functions of two Gaussian parameters  $p$  and  $q$ .

Then  $d\rho = idx + jdy + kdz$  is a tangent vector; and

$$\frac{\partial \rho}{\partial p} = i \frac{\partial x}{\partial p} + j \frac{\partial y}{\partial p} + k \frac{\partial z}{\partial p} = \rho_1 \text{ say is evidently a vector in the}$$

direction of the tangent line to the curve  $q = \text{const.}$  Similarly, for  $\rho_2 = \partial \rho / \partial q$ . Then  $V\rho_1 \rho_2 (= \tau \text{ say})$  is a vector in the direction of the normal to the surface.

Again, with the notation of Salmon's *surfaces*

$$ds^2 = dx^2 + dy^2 + dz^2 = (adp + a'dq)^2 + (bdp + b'dq)^2 + (cdp + c'dq)^2, \text{ or} \\ ds^2 = E dp^2 + 2F dp dq + G dq^2.$$

But  $ds^2 = -d\rho^2 = -(\rho_1 dp + \rho_2 dq)^2$ , and expanding this square and comparing with the previous expression, we obtain

$$E = -\rho_1^2, \quad F = -S\rho_1 \rho_2, \quad G = -\rho_2^2.$$

These results give expressions for the derivatives of  $E$ ,  $F$ ,  $G$ . For instance

$$\frac{\partial E}{\partial p} = -2S \frac{\partial \rho}{\partial p} \frac{\partial^2 \rho}{\partial p^2}, \quad \frac{\partial F}{\partial p} = -S \left( \frac{\partial \rho}{\partial p} \frac{\partial^2 \rho}{\partial p \partial q} + \frac{\partial^2 \rho}{\partial p^2} \frac{\partial \rho}{\partial q} \right).$$

§ 23. Again  $\tau = V\rho_1 \rho_2 = V(ia + jb + kc)(ia' + jb' + kc')$ , or

$$\tau = i(bc' - b'c) + \dots = iA + jB + kC$$

with the usual notation. We shall put  $A^2 + B^2 + C^2 = H^2$ . Then  $\tau/H$  is a unit vector along the normal, and its direction cosines are  $A/H$ ,  $B/H$ ,  $C/H$ .

By algebra  $EG - F^2 = H^2$ .

Thus  $\tau^2 = -H^2$ , and  $S\tau \frac{\partial \tau}{\partial p} = -H \frac{\partial H}{\partial p}$ , etc.

§ 24. Expressions for the usual  $E'$ ,  $F'$ ,  $G'$  come from

$$E' = A \frac{\partial^2 x}{\partial p^2} + B \frac{\partial^2 y}{\partial p^2} + C \frac{\partial^2 z}{\partial p^2}, \text{ etc.}$$

Thus  $E' = -S\tau \frac{\partial^2 \rho}{\partial p^2}$ ,  $F' = -S\tau \frac{\partial^2 \rho}{\partial p \partial q}$ ,  $G' = -S\tau \frac{\partial^2 \rho}{\partial q^2}$ .

§ 25. *Principal Curvatures.* If  $\sigma$  is the vector to any point on the normal to the surface at the extremity of  $\rho$ , then

$$\sigma = \rho + f\tau.$$

This will meet a consecutive normal if

$$0 = d\rho + f d\tau + \tau df$$

or 
$$0 = \rho_1 d\rho + \rho_2 dq + f \left( \frac{\partial \tau}{\partial p} d\rho + \frac{\partial \tau}{\partial q} dq \right) + \tau df.$$

Therefore the three vector co-factors of  $df$ ,  $d\rho$ ,  $dq$  are coplanar,

or 
$$S\tau \left( \rho_1 + f \frac{\partial \tau}{\partial p} \right) \left( \rho_2 + f \frac{\partial \tau}{\partial q} \right) = 0.$$

If the roots of this quadratic in  $f$  are  $f_1$  and  $f_2$  then the principal radii are  $R_1 = f_1 H$  and  $R_2 = f_2 H$ ; also noticing that

$$S\tau \rho_1 \rho_2 = S\tau \tau = -H^2,$$

we find

$$\text{measure of curvature} = \frac{1}{R_1 R_2} = \frac{1}{H^2 f_1 f_2} = -\frac{1}{H^4} S\tau \frac{\partial \tau}{\partial p} \frac{\partial \tau}{\partial q}.$$

§ 26. If a surface is transformed in any way the new co-ordinates of any point are functions of the old ones, and therefore also of  $p$  and  $q$ ; and if the transformation is a deformation such that  $ds$  in all directions remains unaltered at every point, then  $E$ ,  $F$ ,  $G$  and their derivatives with respect to  $p$  and  $q$  are also unaltered. Thus the celebrated theorem of Gauss on deformation of surfaces will be proved if we show that  $S\tau \frac{\partial \tau}{\partial p} \frac{\partial \tau}{\partial q}$  can be expressed in terms of  $E$ ,  $F$ ,  $G$ , and their derivatives.

§ 27. Since  $S\tau \rho_1 = 0$ ,  $S\tau \rho_2 = 0$ , we have

$$S\tau \frac{\partial^2 \rho}{\partial p^2} + S\rho_1 \frac{\partial \tau}{\partial p} = 0, \quad S\tau \frac{\partial^2 \rho}{\partial p \partial q} + S\rho_1 \frac{\partial \tau}{\partial q} = 0, \text{ etc.}$$

Also by taking derivatives of the previous expressions for  $E$ ,  $F$ ,  $G$  we find

$$S \frac{\partial \rho}{\partial p} \frac{\partial^2 \rho}{\partial p^2} = -\frac{1}{2} \frac{\partial E}{\partial p}, \quad S \frac{\partial \rho}{\partial p} \frac{\partial^2 \rho}{\partial p \partial q} = -\frac{1}{2} \frac{\partial E}{\partial q}, \quad S \frac{\partial \rho}{\partial p} \frac{\partial^2 \rho}{\partial q^2} = \frac{1}{2} \frac{\partial G}{\partial p} - \frac{\partial F}{\partial q}, \text{ etc.}$$

Also we can easily verify the relation

$$\frac{1}{2} \left( \frac{\partial^2 E}{\partial q^2} + \frac{\partial^2 G}{\partial p^2} \right) - \frac{\partial^2 F}{\partial p \partial q} = S \frac{\partial^2 \rho}{\partial p^2} \frac{\partial^2 \rho}{\partial q^2} - \left( S \frac{\partial^2 \rho}{\partial p \partial q} \right)^2.$$

§ 28. Now 
$$S\tau \frac{\partial \tau}{\partial p} \frac{\partial \tau}{\partial q} = S \cdot V\rho_1 \rho_2 V \frac{\partial \tau}{\partial p} \frac{\partial \tau}{\partial q}$$

$$= S\rho_1 \frac{\partial \tau}{\partial q} S\rho_2 \frac{\partial \tau}{\partial p} - S\rho_1 \frac{\partial \tau}{\partial p} S\rho_2 \frac{\partial \tau}{\partial q}$$

$$= (\text{by } \S 27) S\tau \frac{\partial^2 \rho}{\partial p \partial q} S\tau \frac{\partial^2 \rho}{\partial p \partial q} - S\tau \frac{\partial^2 \rho}{\partial p^2} S\tau \frac{\partial^2 \rho}{\partial q^2} \dots \dots \dots (1)$$

[We remark in passing that this is  $F'^2 - E'G'$ .]

Here we may replace  $\tau$  by  $V\rho_1\rho_2$  or by  $\rho_1\rho_2$ , and apply the formula (D) of § 15 to each term. Thus (1) becomes

$$S\tau \frac{\partial \tau}{\partial p} \frac{\partial \tau}{\partial q} = - \begin{vmatrix} -E & -F & -\frac{1}{2} \frac{\partial E}{\partial q} \\ -F & -G & -\frac{1}{2} \frac{\partial G}{\partial p} \\ -\frac{1}{2} \frac{\partial E}{\partial q} & -\frac{1}{2} \frac{\partial G}{\partial p} & S\left(\frac{\partial^2 \rho}{\partial p \partial q}\right)^2 \end{vmatrix} \\ + \begin{vmatrix} -E & -F & \frac{1}{2} \frac{\partial G}{\partial p} - \frac{\partial F}{\partial q} \\ -F & -G & -\frac{1}{2} \frac{\partial G}{\partial q} \\ -\frac{1}{2} \frac{\partial E}{\partial p} & \frac{1}{2} \frac{\partial E}{\partial q} - \frac{\partial F}{\partial p} & S\frac{\partial^2 \rho}{\partial p^2} \frac{\partial^2 \rho}{\partial q^2} \end{vmatrix}$$

If these determinants are expanded the portion derived from the last constituents of each is by the last formula of § 27 a function of  $E, F, G$  and their derivatives; and the other terms in the expanded determinants are obviously such functions, so that the theorem of Gauss is proved.

§ 29. If parameters  $\bar{p}$  and  $\bar{q}$  are chosen instead of  $p$  and  $q$ , then

$$ds^2 = E dp^2 + \dots + \dots = E \left( \frac{\partial p}{\partial \bar{p}} d\bar{p} + \frac{\partial p}{\partial \bar{q}} d\bar{q} \right)^2 + \dots + \dots \\ = \bar{E} d\bar{p}^2 + 2\bar{F} d\bar{p} d\bar{q} + \bar{G} d\bar{q}^2,$$

where

$$\bar{E} = E \left( \frac{\partial p}{\partial \bar{p}} \right)^2 + 2F \frac{\partial p}{\partial \bar{p}} \frac{\partial q}{\partial \bar{p}} + G \left( \frac{\partial q}{\partial \bar{p}} \right)^2, \quad \bar{F} = \text{etc.}, \quad \bar{G} = \text{etc.}$$

Thus the assumptions  $\bar{E} = 1, \bar{F} = 0$  give two differential equations to determine  $p$  and  $q$  as functions of  $\bar{p}$  and  $\bar{q}$ . Thus we may assume that the parameters  $p$  and  $q$  are chosen so that  $E = 1, F = 0$ ; and this assumption could be introduced early in the investigation of § 28. This shortens the labour, and leads to

$$S\tau \frac{\partial \tau}{\partial p} \frac{\partial \tau}{\partial q} = -\frac{1}{4} \left( \frac{\partial G}{\partial p} \right)^2 + \frac{1}{2} G \frac{\partial^2 G}{\partial p^2}.$$

Replace  $G$  by  $P^2$ , and  $p, q$  by  $\rho, \omega$ , so that  $ds^2 = d\rho^2 + P^2 d\omega^2$ ; we easily obtain

$$\frac{1}{P} \frac{\partial^2 P}{\partial \rho^2} + \frac{1}{R_1 R_2} = 0.$$

W. J. JOHNSTON.<sup>1</sup>

[<sup>1</sup> *Note*.—This article was to form part of a larger work which Professor Johnston had in mind, a work which unfortunately will now never be written. He was a member of this College for thirty-nine years, and his death last year removed from our midst a good scholar, a genial colleague and a beloved teacher; one whose memory will be warmly cherished by many students and friends.]

## THE DESCRIPTIVE USE OF DACTYLS

IN *Prosodia Latina* (§§ 207–8) Professor Postgate, speaking of the choice of feet in the first four feet of the Dactylic Hexameter, says that dactyls are used to express rapid motion, as of horses galloping or of a pigeon flying swiftly, and metaphorically to give a light or bright effect; he quotes Vergil, *Æneid* VIII. 596, V. 217, XI. 777. To a suggestion made in reference to this by Professor H. J. Rose, that the theory of the use of dactyls to express *τάχος* was worth further investigation, the present article is due, and it owes much to his advice.

The limits of a handbook restricted Professor Postgate to the summary citation of a few happy examples of the descriptive use of dactyls. That use has been already so fully examined that perhaps the only excuse for this article is the fact that the work already done is somewhat scattered. I have as far as possible confined myself to the subject of the use of dactyls and spondees in the first four feet of the hexameter, avoiding that of pause and caesura, which play a yet more important part in the effect produced by the verse, as well as that of the use of alliteration and particular sound-combinations.

The statistical work done by Drobisch (1866, 1868), Lederer (1890), and La Roche (1898–1901), has provided us with a classification according to the feet used of the whole of Homer, Hesiod, the Homeric Hymns, Apollonius Rhodius, Aratus and Callimachus, Ennius and Vergil, and of part of over a dozen other Latin writers.

Besides the standard works on metre, such as Müller's, and the notes on individual authors by their several editors, I wish to notice particularly a long article on 'Lautmalerei und Rhythmus in Vergil's *Æneis*,' by R. Maxa (1897), Anhang VII. on 'Die malerischen Mittel des Vergilischen Hexameters' in Norden's edition of *Æneid* VI. (1903), and Chapter III. (beginning of the verse) in Mr. S. E. Winbolt's *Latin Hexameter Verse* (1903).

The following list shows how different is the technique of the hexameter in Greek and in Latin.

Line.	HOMER.	VERGIL.			
		BUCOLICS.	GEORGICS.	ÆNEID.	
	%	%	%	%	
d d d d d s.	18.9	3.3	2.2	2.2	
d s	8.5	7.0	6.2	6.8	
s d	4.1	7.3	4.8	4.6	
s s	1.3	13.2	11.4	12.0	
d s d d	14.8	5.3	3.6	3.6	
d s	6.5	9.8	12.0	11.2	
s d	3.3	7.9	7.0	5.7	
s s	.8	11.1	15.8	14.3	
s d d d	13.2	2.6	1.9	1.9	
d s	6.3	5.3	5.1	5.8	
s d	2.8	4.7	4.0	3.8	
s s	.8	7.8	9.8	9.5	
s s d d	8.1	2.8	2.4	2.6	
d s	3.8	3.6	5.4	5.9	
s d	1.3	3.2	2.6	3.0	
s s	.3	4.9	5.9	7.1	

In Homer 59.5 of the total number of verses are predominantly dactylic (with 4 or 5 dactyls), in Hesiod 57%, in Aratus 55.4%, in Apollonius Rhodius 65.8%, and in Callimachus 70%. This increase is due chiefly to a growing preference for an initial dactyl. In Homer dactyls are preferred in the fifth and third feet, spondees in the second and first.

In Vergil we find only 19% of predominantly dactylic lines and 41% containing an equal number of dactyls and spondees, while 40% are predominantly spondaic. In this respect he occupies an intermediate position among Latin writers. Ennius is more spondaic; so are Cicero and Catullus, representing the Alexandrian school; Lucretius, Horace in his Epistles, Persius, Lucan, and Juvenal are not very different from Vergil. Manilius and Silius are more spondaic, while Valerius Flaccus and Statius are influenced by Ovid, who has largely increased the proportion of dactyls to spondees. The different degree of skill shown in the use of pause and caesura and in the variation of rhythm is responsible for the very different impressions left by these authors.

An initial dactyl is preferred by nearly all the Roman writers, and a fourth spondee by all.

The use of *σπονδειαίζοντες* by the *Νεωτερικοί*, and their abandonment to a very large extent by Vergil and later writers, is well known.

As may be seen from the table, the *Bucolics* are distinctly more dactylic than the *Georgics* and *Æneid*; this might be expected from the lighter theme, and from the fact that Vergil is here not influenced by Ennius.

Mr. Winbolt remarks that the initial dactyl in the Latin hexameter is probably due to the necessity of striking the dactylic note at the outset, and that the genius of the language then makes itself felt in the following spondees; he further warns us that it is easy to read too much meaning into dactylic passages of a metre originally dactylic, and that both dactylic and spondaic lines are often due to the mere desire to attain variety. With this warning he gives instances, chiefly from Vergil, of the use of dactyls to express 'speed, lightness, frequent action, freedom, grace, softness, tenderness.'

R. Maxa in his article expresses his opinion that the great majority of Vergil's deviations from the normal line are descriptive; he classifies very fully the use of spondaic rhythms. Dactylic rhythm, which he considers inferior to spondaic in its adaptation for descriptive purposes, indicates movement and unrest; along with this are represented freshness, liveliness and energy, physical and mental agitation and irritation, and his examples include descriptions of quick movement, sudden sounds, rushing streams, shuddering, light, youthful freshness, the flight of missiles. He analyses several longer passages with shifting rhythm, the most interesting being *Æneid* IV. 300-387, with its representation of the varying phases of Dido's anger and despair.

Norden in his masterly review goes back to the Greek theory that τὰ ὀνόματα φύσει μιμητικά ἐσσι τῶν πραγμάτων, a theory consciously followed by Vergil as by Ennius, who sometimes falls into ridiculous excess in his use of μίμησις. In Cicero and Lucretius the descriptive use of rhythm is less prominent, while it is lacking in the *Νεωτερικοί*. Probably Vergil owes more than we realise to Ennius in the use of dactyls as well as in that of spondees. He notes particularly the cases where

(1) the poet makes clear by a special word the motive of his choice of rhythm, e.g. *Æn.* IV. 309 f. (moliris . . . properas);

(2) the rhythm of a verse of Homer is altered though the material is used, *Æn.* VI. 652, IX. 229 (*Iliad* III. 135; stant terra defixæ hastæ) (ἀσπίσι κεκλιμένοι, παρὰ δ' ἔγχεα μακρὰ πέπηγεν);

(3) the rhythm extends over several lines, as in *Æn.* IV. 400 ff. ;

(4) it fluctuates with the thought, as in *Æn.* IV. 309 ff. ; and (5) a chosen word-order is the means to the end, *G.* III. 276 f. (*saxa per et scopulos . . . diffugiunt*).

If we turn to the Greek rhetoricians we find in Dionysius of Halicarnassus, on Literary Composition, the fullest discussion of the effect of dactyls in epic verse. He quotes frequently from Homer in discussing syllables and their qualities, and poetic skill in the choice and combination of words ; in c. XVII., on rhythms or feet, he says that the dactyl is *πάνν σεμνὸς καὶ ἐς τὸ κάλλος τῆς ἐρμηνείας ἀξιολογώτατος, καὶ τό γε ἡρωϊκὸν μέτρον ἀπὸ τούτου κοσμεῖται ὡς ἐπὶ τὸ πολὺ*, and quotes *Od.* IX. 39, a purely dactylic line narrating Odysseus' voyage with a favourable wind from Troy to Ismarus ; in c. XVIII., on the effect of various rhythms, he compares very unfavourably a passage of Hegesias with *Iliad* XXII. 395–411, the account of the maltreatment of Hector's body by Achilles ; in c. XX., on appropriateness, he says that the good poet and orator should be *μιμητικὸς τῶν πραγμάτων ὑπὲρ ὧν ἂν τοὺς λόγους ἐκφέρῃ* and illustrates this by a detailed analysis of the famous Sisyphus-passage in *Od.* XI. 593–8.

	s	˙	d		s	d'	˙	d	s,
	s		s		d	d		d	s.
595	d	˙	s		d	s		d	s
	d		s		d	d	˙	d	˙
	d		d		d	s		d	s.
	d		d		d	d		d	s.

˙ foot ends with end of word that has not occupied whole foot.

| " " " " " that has occupied at least one foot.

' elision at end of foot.

In 593–6, describing the effort to push the stone uphill, Dionysius notes that all the words except *σκηριπτόμενος, ὄθεσκε* are disyllables or monosyllables ; that long syllables are numerous, and that the concurrence of vowels and juxtaposition of semi-vowels or mutes makes rhythms long and gaps between words perceptible. In the second line of the two which describe the swift descent of the stone, there are no monosyllables, only two disyllables, only seven long syllables, and none of them perfect (i.e. closed syllables containing a long vowel), no spondees

except at the end, while some of the dactyls are almost like trochees; nothing checks the rapid flow of the line.

As one line in five in Homer contains five dactyls, it seems clear that the important points in line 598 are its open syllables, short vowels, and above all the four trochaic caesuras.

αὐτίς ἔπειτα πέδονδε κυλίνδετο λᾶς ἀναιδής.

Elsewhere Dionysius remarks on the retarding effect of the concurrence of similar vowels such as those in *λᾶαν ἄνω ὄθεσκε*, and on the harsh sound of various consonant combinations.

It may further be noted that *Il.* XVII. 265, where the poet 'wishes by the extension of syllables to represent the ceaseless sound' of the breakers, is a purely dactylic line

ἡϊόνες βοόωσιν ἐρενγομένης ἁλὸς ἔξω,

and in *Od.* IX. 415-18, describing the 'greatness of anguish of the Cyclops and his hands, slow search for the doors of the cavern,' we have

s | d d : s d s,  
s | d d : d : d s,  
s' d d d | d s,  
d d d s d s.

In Norden's opinion, Dionysius' statements may be regarded as excerpts from Theophrastus and the literature depending on him. It is difficult to gather much from the extant remains of the earlier literature, though we know that the interest of the Greeks in the study of sounds, words and meanings began early. Writers on rhetoric frequently mention the heroic rhythm, but they do not as a rule appear to differentiate between dactyls and spondees, for Cicero, in the *Orator* § 194, says that Ephorus does not realise that the spondee, which he avoids, is equivalent to the dactyl, which he approves, 'syllabis enim metiendos pedes, non intervallis existimat,' and when, in § 191, he refers to Aristotle's statement that the 'heroicus numerus' is too lofty for prose, he speaks in the same sentence of 'ille dactylicus numerus.' This statement is made by Aristotle in the *Rhetoric* III. 8. In the *Poetics* he says that the heroic measure is the most steadfast and weighty of all. Different, I think, from the general use of the term *ἡρωϊκός* is its employment by Demetrius, *Περὶ Ῥητορικῆς* § 42, on *ὀνόθεσις*, where, after discussing the Paconian as being *μεγαλοπρεπής* (following

Aristotle), he says the heroic foot is lofty, unsuited for speech, sonorous, lacking in rhythm; he quotes four consecutive spondees, and says the abundance of long syllables *ὑπερπίπτει τοῦ λογικοῦ μέτρον*. Demetrius also refers to the Sisyphus-passage (*ib.* § 72), quoting *ἄαν ἄνω ὄθεσκε* as an example of the concurrence of long vowels giving an effect of stateliness, and saying that the line acquires length from it and represents the effort of raising the stone. The last line of the passage is quoted by Aristotle (*Rhet.* III. 11) as an instance of Homer's use of metaphors; by the epithet *ἀναιδής*, he says, the poet ascribes activity to the stone.

The scholia which reflect a theory similar to that found in Dionysius are collected by G. Rauscher in a dissertation on the Homeric scholia touching on metre. He gives, amongst others which refer to the harshness of the consonants, etc.:

*Il.* I. 530. (κρατὸς ἀπ' ἀθανάτοιο.) μέγαν δ' ἐλέλιξεν Ὀλυμπον. τῷ τάχει τῶν συλλαβῶν τὸ ταχὺ τῆς κινήσεως δηλοῖ.

*Il.* IV. 125. ἄργε βίος, νευρὴ δέ μέγ' ἴαχεν, ἄλτο δ' οἰστός τοῦ δὲ ἄλτο συνετμήθη ἡ λέξις πρὸς τὸ τάχος τῆς ἀφέσεως.

*Il.* VIII. 199. σείσατο δ' εἰνὶ θρόνῳ, ἐλέλιξε δὲ μακρὸν Ὀλυμπον. ἐλέλιξε διὰ τῶν δύο ὕψων τούτων τὴν ταχεῖαν καὶ ἄπονον κίνησιν κτλ.

Eustathius, as quoted by Norden, on *Od.* XXI. 15:

τὼ δ' ἐν Μεσσήνῃ συμβλήτην ἀλλήλουν

says that the peaceful movement of pure spondees corresponds to the peace and calm with which the two friends met, and that the fact that verses with five dactyls, e.g. *Il.* XVI. 776:

κεῖτο μέγας μεγαλωστί, λελασμένος ἵπποσυννάων,

have a very jumpy character was known to the ancients and is taught by metric.

Hermogenes, *περὶ ἰδεῶν* II. 409, according to Norden, says that the appropriate pauses, feet and rhythms should always be introduced when the poet wishes to express character or emotional speech. He mentions that there are thirty-two possible forms of the hexameter, and as an example of the influence of pause on rhythm gives *ἡρώων, αὐτοὺς δὲ ἑλώρια τεύχε κινέσσω*, where there is a pause after *ἡρώων* and the following words are to some extent anapaestic.

The strongest evidence of there having been in the third

century B.C. a theory that dactyls expressed *τάχος* is its obvious influence on the practice of Ennius. We see that it is only held with many qualifications by Dionysius. What basis, even thus qualified, it has in Greek practice seems doubtful.

The Sisypheus-passage is an exception. The Homeric metre with its 60% of predominantly dactylic lines is the natural product of the language with its uncontracted vowels and its light inflections. And we expect to find such a variation in the rhythm with change of mood and subject as leads to the slight but definite increase in the number of spondees in Hesiod, and later in Aratus as compared with Apollonius Rhodius and Callimachus.

To prove that Homer's variations in rhythm are for the most part non-significant is perhaps impossible and at least a formidable task. But I will cite a few examples of normal lines where descriptive rhythm might well be used, and of dactylic and spondaic rhythms that do not represent a corresponding change in the sense.

*Od. V.* 319-326, a man weighed down in the water by heavy clothing :

d d | d d, d s  
 d' d d d : d | s.  
 d | d d : d : d s.  
 d : d d s d s  
 s, s : d s d s.  
 s d d d, d s  
 d s d : d | d's,  
 s d d d d s.

*Od. IX.* 54-57 :

d d d d d s, *στησάμενοι δ' ἐμάχοντο μάχην παρὰ νηυσὶ θοῇσι,*  
 s' s s d s s. *βάλλον δ' ἀλλήλους χαλκίῃσιν ἐγχείησιν,*  
 d : s | d d | d | s, *ὄφρα μὲν ἤως ἦν καὶ ἀέξετο ἱερὸν ἦμαρ,*  
 d d d d d s. *τόφρα δ' ἀλεξόμενοι μένομεν πλέονάς περ ἐόντας\**

*Id. ib.* 74-5 :

d s d' d | d | s *ἐνθα δύο νύκτας δύο τ' ἦματα συνεχὲς αἰεὶ*  
 d d d : d | d s *κεῖμεθ' ὁμοῦ καμάτῳ τε καὶ ἄλγεσι θυμὸν ἔδοντες*

*Id. ib.* 100-104, leaving the land of the Lotus-eaters,

s | s d d d s  
 d s d d | s s, *σπερχομένους νηῶν ἐπιβαινέμεν ὠκείων*  
 s : s d s d s.  
 s' s d s d s, *οἱ δ' αἶψ' εἴσβαινον καὶ ἐπὶ κληῖσι καθίζον,*  
 s' d d d d s

The sad and dignified farewell of Hector to Andromache is quite normal in rhythm. Many of the introductory lines and transition-phrases, that recur so often in Homer, have a dactylic rhythm, e.g.

τήν δ' ἀπαμειβόμενος προσέφη κορυθαίολος Ἑκτωρ.

If we turn to the later writers, the first three lines of Callimachus' solemn invocation in his Hymn to Zeus have

d d ∷ d s d s  
d d ∷ d d ∷ d s  
d d d d ∷ d s

In Apollonius Rhodius we find :

Argonautica IV. :

42 s s d s d s. (θυρέων ὀχῆες) ὠκείαις ἄπορροι ἀναθρόσκοντες αἰοδαῖς.  
43 s d d s d ∷ s, γυμνοῖσιν δὲ πόδεσσιν ἀνὰ στεινὰς θέεν οἴμους  
67 d s d s d s. ἀσπασίως δ' ὄχθησιν ἐπήρεθι ποταμοῖο.

In Theocritus, where I find that of rather over 300 lines examined 63% are predominantly dactylic, the smooth flow of the hexameter seems to be little affected by the subject. Instances are not easy to give, for there is little action or strong feeling to express, but we may note the purely dactylic lines :

I. 1. Ἀδύ τι τὸ ψιθύρισμα καὶ ἅ πίνυς, αἵπολε, τήνα

introducing a scene of midday heat and rest, and

VII. 57. χάλκονες στορεσεῦντι τὰ κόματα τάν τε θάλασσαν

while in the description of the love-frenzy of the Cyclops we have

XI. 11. ἀλλ' ὀρθαῖς μανίας, ἀγείτο δὲ πάντα πάρεργα.

The deliberate use of particular rhythms for descriptive effect, and in especial that of dactyls to represent *τάχος*, is not a practice of the Greek writers of the dactylic hexameter. But in adopting it Latin writers believed themselves to be following Homer.

Their language was a very different medium from the dialect of Ionic Greek used by the Epic writers. The loss of final short vowels in Latin, and the fact that accusative singular and genitive plural forms mean either an elision or a long syllable, greatly increase the proportion of long syllables. In the *Aeneid*, counting the first four feet only of each line, that is to say, omitting the recurrent close — ∪ ∪ — ∪, which gives the verse its definite

character, 64% of the syllables are long. I have obtained the following results by analysis of a few prose passages.

	Percentage of long syllables.
Cicero, <i>In Catilinam</i> I. cc. 1-6 . . .	64% (69% in c. 4, 61% in c. 5)
2nd Philippic, cc. 1, 2 . . .	64%
De Oratore I. cc. 1-5 . . .	62.4%
cc. 25-28 . . .	60.6%
Caesar, <i>B.G.</i> I, cc. 14-17 . . .	62%
Livy, IX. cc. 1-8 . . .	64% (61% in c. 2, 67% in c. 4)
Tacitus, <i>Annals</i> I. cc. 1-6 . . .	63% (60% in c. 2, 66% in c. 5)

Zielinski's statistics show that the most frequent form of clausula in Cicero's speeches is — ∪ — ∩ — ∪ (23.3% of total number). Here 60% of the syllables are long, a proportion very near the average, while in — ∪ — ∩ — ∩ — ∪ — (11.1% of total) and — ∪ — ∩ — ∪ — ∪ (10% of total), which come next in frequency of occurrence, the percentage of long syllables is 67% and 57% respectively.

I think the comparison is not without interest. Vergil's language has the same general character as that of the more dignified prose. Just as in prose Cicero's solemn warning to Catiline and Pontius' grim reply to the Roman envoys are conveyed in strongly spondaic passages, while in the account of the terror of the entrapped Romans, runs of short syllables are more frequent, Vergil's more marked variations from his general rhythm would seem to his hearers appropriate to the expression of marked tones of feeling. Where a writer shows throughout a preference for spondaic rhythms as Catullus does, or for dactyls, such as we see in Ovid, it is not so easy for him to give a meaning to his deviations from his usual rhythm. In post-Vergilian prose-writers there is the possibility of Vergilian influence.

In dealing with Ennius our difficulty is that so many lines are isolated, and therefore form an untrustworthy basis for classification. Taking the continuous passages preserved we find that the average proportion of dactyls and spondees is nearly the same as in Vergil; but Ennius makes far less use of the "equal" line and far more of the extreme types d d d d and s s s s, the latter being very frequent. This is due partly to carelessness or lack of skill, *i.e.*, the lines are non-significant, partly to a straining after effects which Vergil obtains more subtly. In 194 *sqq.*, part of Appius Claudius' solemn and emphatic speech dissuading the Romans from accepting Pyrrhus'

offers of peace, of eight lines four have s s s s ; the others give relief.

When we consider the effect of his dactylic lines and try to estimate how many of them are significant, we see that a large part is played by other elements—alliteration, pauses, interrelation of ictus and word-accent, weight of consonants, and vowel-tone.

We find movement clearly expressed in 35

et cita cum tremulis anus attulit artubus lumen

agitated haste, with clash of ictus and accent till the fourth foot ; in 92, the bird's flight and the uprush of the sun :

laeua uolauit auis. Simul aureus exoritur sol.

in 230, where there is coincidence of ictus and accent throughout, with triple alliteration on p and light consonants, for the rhythmic stroke of the oars

poste recumbite uestraque pectora pellite tonsis.

In 386 labitur uncta carina, uolat super impetus undas.

for the swiftly gliding ship, there are very light consonants, and only one clash of ictus and accent ; in 478

labitur uncta carina per aequora cana celocis

the initial movement is carried on to the end of the line with alliteration and more unaccented ã's.

Movement and sound together are represented by dactyls with alliteration in the horseman's gallop,

439 it eques, et plausu cana concutit ungula terram.

In 310 Africa terribili tremit horrida terra tumultu

we have dactyls, very light consonants, the repetition of r, and alliteration with t four times. This is a favourite device, the crudity of which was modified by Vergil ; so 140

at tuba terribili sonitu taratantara dixit,

with Vergil's adaptation

A. IX. 503. At tuba terribilem sonitum procul aere canoro  
increpuit

where we may note that *sonitus* and *gemitus* in this position in the line occur several other times in the *Aeneid*.

The trumpet-signal for war and similar sounds are regularly represented by dactyls, as in 415, 519 *sq.*, 530 ; but it is worth

noting that we have spondees with *clamor*, as in 442 and 531,  
*clamor ad caelum uolendus per aethera vagit.*

On the other hand, we have dactylic lines without any suggestion of movement, etc., such as 52

*Te sale nata precor, Venus, et genetrix patris nostri,*  
 the beginning of an invocation ; and we may notice the line

*nec mi aurum posco nec mi pretium dederitis*

with clash of ictus and accent till the sixth foot, where the dactylic second half merely repeats in a different form the statement made in the spondaic first half.

An example of effective contrast is given by the two lines 164 *sq.*

*qua Galli furtim noctu summa arcis adorti*  
*moenia concubia uigilesque repente cruentant,*

the stealthy approach and the sudden outburst of slaughter.

My general conclusion is that purely dactylic lines are more frequent in Ennius than in Vergil, and are used for effects attained more subtly by the later poet ; and that where movement is represented a coincidence of ictus and word-accent, particularly in the second and third feet, suggests steady and rhythmical movement.

Skutsch cites 173

*quod per amoenam urbem leni fluit agmine flumen,*

as an instance of the metrical skill sometimes displayed by Ennius, and notes that Saturnian verse tended to produce a marked use of alliteration.

Cicero's fragments show much more restraint in the search for rhythmical effects. While purely spondaic lines (s s s s d s) are fairly numerous, purely dactylic ones are very rare. The spondaic fourth foot, occurring in four lines out of five, and frequently followed by diæresis, greatly retards the movement of his lines. He tends to begin with a dactyl, often with a dactylic word.

In *De Cons. Suo.* 65

*uocibus Allobrogum patribus populoque patebat,*

the dactyls may represent the sudden disclosure of the plot.

The line, however, does not seem rapid, I think because of the clash of ictus and word-accent in *Allōbrogum* and *pátribus*.

In the *Prognostica* we have

*uocibus instat et adsiduas iacit ore querelas,*

a line representing adequately the bird's repeated cries.

In lines containing four dactyls, chiefly of the type *d d d s*, which form 6% of the whole number, it is often possible to see descriptive purpose, and sometimes this is fairly certain. So in *De Cons. Suo* I. 1 :

*Aspice : corripuit tremulis altaria flammis*

In the version of the *Iliad* there is the contrast between the long siege of Troy and its final capture

27 *tot nos ad Troiam belli exanclabimus annos,*  
*quae decumo cadet, et poena satiabit Achiuos.*

In the translation of Aratus, 120 *sqq.*, we have flight and terror. Other lines are

*Aratea* 474 *sq.*

*Tum pedibus simul et supra ceruice iubata*  
*cedit equos fugiens :*

*Prognostica*, Fragment IV. 1 :

*Cana fulix itidem fugiens e gurgite ponti*

but generally speaking Cicero does not appear to have aimed at obtaining descriptive effect by variation of rhythm.

Catullus is still more remote from the Ennian tradition. He is strongly spondaic, and 89·5% of his verses, excluding the numerous *σπονδειαίζοντες*, have a spondaic fourth foot ; 63·3% begin with a dactyl. His rhythms are therefore more limited, and the frequent diaeresis after the fourth foot restricts them further. LXIV. 58 may be meant to represent flight :

*immemor at iuuenis fugiens pellit uada remis,*

but descriptive dactyls in Catullus are very rare. Norden notes his use with descriptive purpose of *σπονδειαίζοντες*.

With Lucretius, who is slightly more spondaic than Vergil and has a greater preference for the type *d s s s*, we find the influence of Ennius again strong. There are clear instances of descriptive dactyls, but also many where a purely dactylic rhythm appears to be quite fortuitous, as in I. 362 :

*corporis officiumst quoniam premere omnia deorsum.*

Besides swift flight, *e.g.* V. 1338

diffugiebat enim uarium genus omne ferarum,

we have such effects as the smooth flow of V. 273

qua uia secta semel liquido pede detulit undas,

the speedy coming of summer after spring in V. 740-742, the representation of lightness in V. 500 *sq.* :

et leuiora aliis alia, et liquidissimus aether  
atque leuissimus aerias super influit auras,

of freshness in I. 11 :

et reserata uiget genitabilis aura Fauoni.

Norden notes Lucretius' lines on the Sisyphus legend, I. 1000-1002,

ṣ|ṣ ṣ ṣ|d|ṣ  
ṣ|ḍ|ṣ ṣ|ḍ|ṣ  
ḍ|ṣ ṣ ḍ|ḍ|ṣ

with the spondees and then the swift descent emphasised by the initial dactylic word.

In any study of Latin hexameter verse Vergil must be the most important and most interesting figure, and he has not only shown greater skill than others in his handling of varied rhythms but has to a greater extent employed them for descriptive effect. This is particularly true of the *Æneid*, where he has followed more artistically the example of Ennius. In the *Eclogues* where the general movement is lighter accumulated dactyls seem to have less significance. The *Georgics* are much nearer in rhythm to the *Æneid*; but there too, I think, dactyls serve more often merely to vary and lighten the movement. There are, however, a number of lines which are definitely descriptive, such as IV. 373 :

In mare purpureum uiolentior effluit amnis

or III. 201

ille uolat simul arua fuga simul aequora uerrens,

of the North wind. This use of dactyls with the repetition of a word is noticeably frequent in the *Georgics*, as in the famous line III. 284

sed fugit interea, fugit irreparabile tempus.

So in IV. 184 :

Omnibus una quies operum, labor omnibus unus.

There is an accumulation of details in I. 444

namque urget ab alto  
arboribusque satisque Notus pecorique sinister.

In III. 144 :

saltibus in uacuis pascunt et plena secundum  
flumina, muscus ubi et viridissima gramine ripa,

we have dactyls in a picture of untroubled calm.

Vergil's technique in the *Æneid* has been already so carefully investigated that little can be said which is not a repetition. While the expression of movement, agitation, sudden noise, lightness, tenderness, a Greek rhythm or an Ennian reminiscence can be seen in a very large proportion, perhaps 80%, of his purely dactylic lines and in many with predominantly dactylic rhythm, there are some which have no such significance, *e.g.*, VII. 19 :

quos hominum ex facie dea saeua potentibus herbis  
induerat Circe in uoltus ac terga ferarum

and many where it is difficult to see anything but a vague general tone, such as the cheerfulness of X. 141 :

Maeonia generose domo, ubi pingua culta  
exercentque uiri Pactolusque inrigat auro.

or the hospitality of VIII. 175, 6

Haec ubi dicta, dapes iubet et sublata reponi  
pocula gramineoque uiros locat ipse sedili.

The percentage of dactyls is highest in Book II., then come III., IV. and X. ; it is lowest in XII., which is noticeably sombre in tone. Not a few, however, of the predominantly spondaic lines express motion ; to take instances from this book

319. Ecce uiro stridens alis adlapsa sagitta est.  
430, 1. ille audius pugnae suras incluserat auro  
hinc atque hinc oditque moras hastamque coruscat.  
672, 3. Ecce autem flammas inter tabulata uolutus  
ad caelum undabat vertex turrimque tenebat.

Tender emotion, pathos, compassion and entreaty are frequently expressed by dactyls, *e.g.*

- III. 489. O mihi sola mei super Astyanactis imago.  
 VI. 112. ille meum comitatus iter maria omnia mecum  
 atque omnis pelagique minas caelique ferebat.  
 X. 47. incolumem Ascanium liceat superesse nepotem.  
 XI. 593 *sq.* post ego nub ecaua miserandae corpus et arma  
 inspoliata feram tumulo patriaeque reponam.

Several times we find insubstantiality and unreality expressed, as in the fading of the vision

- II. 791. dicere deseruit, tenuisque recessit in auras.  
 VI. 284. quam sedem somnia uolgo  
 uana tenere ferunt, foliisque sub omnibus haerent.

Compare VI. 702

par leuibus uentis uoluerique simillima somno.

Strikingly different from its use to describe sudden noises and rapid movement is the employment of dactylic rhythm for stillness and rest.

- VI. 522. dulcis et alta quies placidaeque simillima morti.

So in III. 393, VIII. 27, X. 103. Contrast

- X. 746. ferreus urget  
 somnus, in aeternum clauduntur lumina noctem.

Almost as tranquil, though it expresses motion, is the line describing the voyage of the Greek fleet

- II. 255. a Tenedo tacitae per amica silentia lunae.

So, when with the favour of Heaven Æneas ascends the Tiber, VIII. 86 *sqq.*

Thybris ea fluuium, quam longa est, nocte tumentem  
 leniit, et tacita refluens ita substitit unda.

labitur uncta uadis abies, mirantur et undae.

uariisque teguntur  
 arboribus, uiridisque secant placido aequore siluas.

It is quite easy to see that these lines are very unlike

- VIII. 596. quadrupedante putrem sonitu quatit ungula campiem.  
 III. 195. astitit imber  
 noctem hiememque ferens et inhorrui unda tenebris.  
 XII. 101 *sq.* his agitur furiis totoque ardentis ab ore  
 scintillae absistunt, oculis micat acribus ignis.

and to point out in the latter the influence of harsher consonants and the clash of ictus and accent on the movement of the verse ; more subtle are the differences between

dulcis et alta quies placidaque simillima morti

and

IV. 574. soluite uela citi. deus aethere missus ab alto

or

I. 536. in uada caeca tulit penitusque procacibus Austris,

between

arboribus, uiridisque secant placido aequore silvas

and

XII. 748. insequitur, trepidique pedem pede feruidus urget,

and between

leniit, et tacita refluens ita substitit unda

and

X. 346. aduenit, et rigida Dryopum ferit eminus hasta.

My consideration of Vergil's use of dactylic rhythms, and of the foundations on which was built the theory of their function which is tersely expressed by saying that ' dactyls show *τάχος*,' leads me to suggest that in Greek the theory is not based on the practice of the writers, that as a matter of fact Dionysius considers other elements more important than the mere presence of dactyls, and that while Ennius deliberately uses dactyls to express speed and allied ideas, he is imitated with much restraint by later writers, and in Vergil, whose normal rhythm is near that of elevated prose, a preponderance of dactyls serves sometimes to give variety, and in its more frequent descriptive use tenderness and tranquillity are often attained as well as swift movement, sudden sounds, brightness, anger and excitement. No study of Vergil's work can fail to increase our admiration alike for his inspiration and for his art ; and that is probably the chief result of this examination.

A. WOODWARD.

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# HAMLET AND THE ESSEX CONSPIRACY

## PART II

BEFORE passing on to the relations of Essex with Ireland, I will quote a few additional illustrations from modern writers and from the State Papers which all help to reproduce for us the kind of atmosphere in which Shakespeare wrote his 'Hamlet.'

Mr. W. B. Devereux in his *Lives of the Earls of Essex* gives a great deal of interesting information concerning Elizabeth's favourite.

He dwells on the extraordinary fascination Essex possessed for his contemporaries. 'The character of the Earl of Essex,' he says, 'may be judged from his life and letters; but he must have possessed qualities of the most attractive and endearing nature . . . if it be true, as Lord Clarendon tells us, that love for the memory of his father was one of the chief causes which, forty years afterwards, made the last Earl of Essex the most popular nobleman of his time.' (This reference is, of course, to the great Parliamentary general.)

Mr. W. B. Devereux also explains that Essex 'was esteemed one of the best poets among the nobility of England, but very few of his poems are extant.'

The author dwells on the close connection existing between the family and Protestantism, the fact that they had always been leaders in the reformed religion and, also, on the fact that Essex was greatly devoted to study in his youth and had a continual desire for a university life.

'In 1558 Walter Devereux succeeded his grandfather as Viscount Hereford. . . . The Devereux had been among the earliest of the great families to embrace the reformed religion. Lord Hereford united himself still more closely to the Protestants by his marriage with the daughter of Sir Francis Knollys, who was one of the earliest of the Puritans.'

And again :

'Essex pursued his studies at Cambridge with such diligence and

success that few youths of his rank and standing were so distinguished. . . . Soon after leaving Cambridge Essex retired to his house at Lanfrey in Pembrokeshire and he became so enamoured of the rural life he led that he used to say afterwards that "he could well have bent his mind to a retired course." So obscure a life was not, indeed could not be, his destiny; but it was not until time and his mother's earnest and repeated remonstrances had overcome the "stiff aversation" he had to appear under the auspices of the Earl of Leicester that he would be drawn to the Court. At length he entered that fatal circle in 1584 . . . and no sooner did he appear there than his "goodly person," and a kind of urbanity and innate courtesy, combined with the recollection of his father's misfortunes, won him the hearts of the queen and people.'

We observe, once again, how like this is to the opening portion of 'Hamlet,' where Hamlet, feeling the court polluted by his uncle's presence, desires to retire to his studies and is prevented by the direct appeal of his mother (I. ii.):

*Queen.* Let not thy mother lose her prayers, Hamlet:

I pray thee, stay with us; go not to Wittenberg.

*Ham.* I shall in all my best obey you, madam.

Mr. Devereux shows how Essex, even after having entered the 'fatal circle' of the Court, still retained a longing for study and desired a connection with one or other of the universities:

'In 1588 Essex, esteemed one of the best poets among the nobility of England, was made Master of Arts at Oxford. . . . Essex wished to succeed to the Chancellorship of the University, but the Queen forced them to elect Sir Christopher Hatton . . . instead of University dignities Essex succeeded to the more dangerous honours of a royal favourite, a situation which he was ill-calculated to fill, his open and impetuous disposition, and his chivalrous desire for military distinction, alike disqualifying him for the peaceful intrigues of the Court.'

Mr. W. B. Devereux describes the brilliant success of Essex at Cadiz in 1596, but points out that it was the distinction obtained in this way which made him unduly prominent and so ultimately excited jealousy and caused his downfall.

'The Earl of Essex, after the Cadiz expedition, touched the pinnacle of his fortunes. His favour with the Queen could not, indeed, be greater than before, but his popular reputation was vastly increased; herein lay the danger of his position; hence his fall. . . . Queen Elizabeth could not bear that the man she had raised to the position of her favourite should be also the idol of the army and of the people; still less that he should undisguisedly take pleasure in being so.'

Essex's danger was increased by the fact that he was, though remotely, of royal blood and was very generally regarded, both abroad and at home, as a possible candidate for the throne. Mr. Devereux points out that Essex was descended from Thomas Woodstock, Duke of Gloucester, the sixth son of Edward III.

The State Papers continually show an attitude of jealousy towards Essex because of the possibility of his claiming the crown. Thus on September 14, 1592, there is an entry on the subject of the Spaniards :

'Their chief hope lies in the death of her Majesty. The Spaniard gives that as a reason of his lingering in attempting a new assault, because time may call her away whose life makes the attempt three times more perilous and they confirm their opinion with the certain hope of a debate between the two houses of Hereford<sup>1</sup> and Derby who, they think, will seek the Crown, each one for himself, during which contention the Spaniard thinks the entry into England would be without danger.'

In the Venetian Papers we find a letter of November 6, 1599, dealing with Essex :

'He has caused great suspicion on the part of the Queen ; all the more on account of the love the people bear him ; for his qualities have won for him in England exactly the same sort of esteem as the late Duke of Guise enjoyed in France. All these suspicions in the Queen's mind are fomented and fed by persons of great weight, his foes. We wait to see the result of the decision to be taken about the greatest personage in England, the man who has enjoyed more of the Queen's favour than anyone else.'

A modern French historian, J. M. Dargaud, writing the history of Elizabeth's reign, speaks of Essex as being, beyond comparison, the most attractive man at her Court. He says that Essex's folly is almost inconceivable ; but, even in that folly, there is something which pleases, a dignity which was never possessed by either Leicester or Burleigh.

'The soul of this valiant and noble young man exhales a perfume which prevents us from stifling in the corrupted atmosphere of Elizabeth's Court. The Earl of Essex really becomes almost insensate, but even his madness attracts us more than the good sense of so many flatterers and cowards. He is a strange courtier and the worst of diplomats, but his character, nevertheless, shows a rare magnanimity. . . . Essex was of tall stature. His bearing was free, his

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<sup>1</sup> Devereux.

attire somewhat negligent. . . . His generosity knew no limits. Next to the glory of arms what he most loved was the encouragement of letters . . . he distributed his favours as if he were a prince of the blood or a king. . . . His costume, except in rare circumstances, was suitable rather for the field of battle or for the chase rather than for the Court. . . . He was very well educated and religious by temperament. He succeeded Leicester as the leader of the Puritans ; but, unlike Leicester, he was sincere.' <sup>1</sup>

I turn now to a portion of Essex's story which I think has also influenced the play of 'Hamlet,' and in a somewhat curious and unexpected way—I mean his experiences in Ireland. The Cecils, in the person first of old Lord Burleigh, and, secondly, in the person of his son Robert Cecil, conducted incessant intrigues against Essex at Court ; they succeeded in alienating the Queen's favour from him, in setting him at odds with Raleigh (who played a part much like that of Laertes in the drama), but their master-stroke was to involve him in the difficult expedition to Ireland in 1599 from which it was almost impossible that he should extricate himself with honour and which did, indeed, bring about his final ruin and disgrace.

Essex was most reluctant to go to Ireland ; it had played a most sinister part in his father's history and he knew only too much about it ; he believed that the task of pacifying the country was almost impossible, that he would not be really supported from home but rather hindered, and that his enemies would seize the opportunity of his absence to ruin him with the Queen.

A close examination of the State Papers and the Essex trial does, indeed, reveal the fact that it was mainly the Irish question which brought Essex to destruction.

The essential mischief of his position in Ireland appears to have been that he was much too far in advance of his own age. His father, as we have seen, had been particularly generous in his attitude to the Irish and much beloved by them. Essex succeeded to this understanding and this sympathy ; his magnanimity and his generosity made him able to appreciate their point of view in a way possible to hardly any other distinguished Englishman. His great aim was, as his father's had been before him, to cultivate sympathy between the Irish and the English ; he had a deep affection for them and they for him. Essex had a private meeting with the rebel leader—Tyrone—

<sup>1</sup> *Histoire d'Elizabeth d'Angleterre.*

and the two came to a certain agreement which awakens amazement that anybody in the sixteenth century should ever have conceived such terms for Ireland. It is tragic and terrible to think that, if the terms of Essex had been granted, the destruction of Irish nationality might have been averted and three centuries of oppression on the one side and rage and resentment on the other might have been spared to the two countries and to the world. The death of Irish nationality meant the ruin of Essex and the ruin of Essex sealed the fate of Ireland. The Irish State Papers and the Essex trial, between them, reveal one of the most pitiful and mournful tragedies both for a nation and for an individual that the world can ever have seen.

Essex had always found his favourite political study in Irish history, and he began his career in Dublin by holding out promises of restitution to the plundered natives. He proclaimed that any of the men of Ireland whose estates had been taken through oppression, or by any form of violence or illegality, should have them restored.

His terms to Tyrone were of almost unheard-of generosity for that day : they included complete liberty of conscience, an indemnity to all the Confederates and the promise that the judges and officials and half the army in the country should be Irish. They included even the promise of a Roman Catholic University. Essex's terms really did not fall far short of the Dominion settlement of to-day. Had they been granted Irish nationality would have been saved and the long and tragic feud between the two countries would have come to an end. But alas ! for Elizabethan England or, at least, for the Queen's narrow-minded advisers, the generous terms offered by Essex suggested only one thing—and that was high treason. Infinitely less generous than Essex, they could see in his promises to Tyrone only self-seeking ; he was aiming at making himself King of Ireland with the aid of Tyrone, or, if not that, then he was aiming at making himself King of England with the aid of the Irish army. Elizabeth and her advisers repudiated the terms offered to Tyrone ; the promises made by Essex were not acknowledged as valid and not kept ; they were, in connection with his solitary interview with Tyrone, the principal counts against him ; the trifling commotion he made at the time of his so-called 'conspiracy' might have been easily pardoned him. It was the Irish question which cost him his head.

Now I think it more than possible that some reference to these affairs is included in the play of 'Hamlet.' Even to-day the Irish poets personify their country as a woman and call her 'Kathleen Ni' Houlihan' or the 'Dark Roraleen'; the chief of Ireland's living poets, Mr. W. B. Yeats, has written a drama on the subject of Kathleen Ni' Houlihan.

In the sixteenth century such personification was far commoner than it is to-day. Almost every country was so personified and was regularly represented as a hero or heroine in paintings, masques, pageants, etc. The Venetian painters regularly represented their city as a beautiful woman in their frescoes; in political tracts she was termed 'our lovely lady of Venice.' Almost all the pageants for the city of London (for instance, those of Thomas Middleton) represent London as a beautiful woman, termed either London or, more simply, *genius loci*. Nichols in his *Progresses of James I* gives an account of the pageants presented for the King on his accession in 1603, and shows among them the 'wedding' of England and Scotland, England being in this case the bridegroom and Scotland the bride; there is also the wedding of James to England who is represented, in that case, as the King's bride and the wedding of James to London who also is the King's 'bride.'

Elizabeth, it will be remembered, was particularly fond of representing herself as married to England and said she considered her 'coronation ring' as her wedding ring; it was one of the excuses she offered for taking no other husband.

Even in proclamations the same imagery is sometimes used; thus there is one of Elizabeth's in 1586 which represents England and the Low Countries as having been man and wife for centuries.

Now I certainly think that something of the same sort has quite possibly happened in the play of 'Hamlet,' and that Shakespeare has employed 'Ophelia' as a kind of Kathleen Ni' Houlihan, or symbol of the Irish nationality, for his 'rose of May' has certainly all the symbols of Ireland as the Elizabethans saw them.

The first thing which excites our suspicion in this respect is her amazing name; Ophelia was just as extraordinary, considered as a woman's name, as it would be to-day, but it was the Irish name for King's County, which usually appears in the State Papers in the somewhat corrupted form of 'Offally.' It was the direct cause of Essex's overthrow, for it was the loss of Ophelia, the fort

where his stores were laid up, which caused the breakdown of his Irish campaign; it was also Ophelia which saw the end of Irish nationality. It was Essex's successor—Mountjoy—who conducted the Irish campaign to a successful conclusion, and it ended with the rebel leaders drowning themselves or being drowned—the exact circumstances are not known—in the bogs of Ophelia, and this happened just about the time 'Hamlet' was written. This really was the event which seemed to many people the end of the national existence of Ireland and so for some three centuries it proved to be.

Ophelia is found dead with fantastic garlands of flowers in her hands (IV. vii).

'Of crow-flowers, nettles, daisies and long purples,'

and this was typical of the Irish as the seventeenth century saw them; they believed that the unhappy Irish people were reduced to living on herbs and were repeatedly found dead, floating in their bog-waters, with nothing else in their hands. Thus Osborne in his *Traditional Memoirs on the Reign of Elizabeth* says that the wild Irish were daily found dead in bogs and woods with grass in their mouths.

The State Papers show the same thing; there is a 'Report to Elizabeth on the Cruelties Practised on the Irish' in 1498 which states that

'The land is now so wretched and miserable as the poor souls that are left have nothing but roots, grass and nettles.'

Ireland is repeatedly said to be insane with its sufferings or 'distracted' with rebellion. Thus the Irish State Papers in an entry for April 19, 1599, state that they give

'an estimate of the state of Ireland, as it standeth at this present, distracted and broken with these rebellions.'

There is an entry to similar effect on April 29, 1600.

'Her Majesty and your Lordships may clearly see how great and almost desperate the indisposition of Ireland really is and consequently how long and difficult the cure thereof is likely to prove.'

January, 1600, mentions the

'killing or drowning of the traitors in Offally or King's County.'

Essex, of course, was represented as the lover of this unhappy county and as beloved by the Irish.

On January 6, 1600, we read that the Irish rebels said of Essex :

‘ He is now in trouble for us, for that he would do no service upon us ; which he never meant to do for he is ours and we are his. Others also said he should be King of Ireland.’

Interesting in this connection are Barnabie Rich’s two pamphlets : *A Short Survey of Ireland*, 1609, and *A New Description of Ireland*, 1610.

He had spent forty-seven years in the country and knew it well. He says that the English and Irish have a natural tendency to affection for each other, and he considers that their difficulties would be soon obviated and they would become one nation by intermarriage, if it were not that this intermarriage is unfairly prevented by interference on both sides. Thus the Pope, whom Rich speaks of contemptuously as the ‘ father ’ of Ireland, forbids the marriage of the Catholic Irish with the English and is continually spying and interfering :

‘ I have likewise so plucked the Vizard from the Pope himself that he might so appear in his own likeness, that neither his fatherly lookes, nor his counterfeit show of gravitie, nor that holie holie holiness, wherwith he hath so long disguised himself, shall be able to deceive any man.’

But the English on their part play into the hands of the Pope by making laws against intermarriage.

‘ The English were likewise enjoined neither to marry, foster nor otherwise combine with the Irish.’

Rich has a great affection for the Irish personally, but he pities them for being so ruled by the Pope.

‘ I am censured for writing of a Book to be a malicious enemy to Ireland, the poor Ireland that (God knoweth) is rather to be pitied than spighted.’

And again :

‘ Their minds are still poisoned with Popery and what is hee that is not touched with a kind of compassion to see the poor and silly people so seduced and carried away.’

He mentions the faults of the Irish character which arise from this influence and puts deceit and equivocation as the chief among them. The Irish are continually praying, but they think nothing of equivocation ; and again

‘ The Pope avoweth it be a worke meritorious, for any of his

Disciples to lie, to flatter, to counterfeit, to dissemble, or to enter into any action, be it never so base, be it never so abject, be it never so servile, yet if they can by any of these means compass a plot . . . they may do it by prescription, he giveth them Pardons, he giveth them Dispensations.'

'For him that is a knowne Papist I would never trust his word.'

Rich, like most Protestant Englishmen, also objected very greatly to the nunneries of the Irish. Again and again Rich sarcastically describes the main feature in Irish religion as being the eating of fish, for they think it necessary to fast upon fish three times a week.

Now we certainly find curious parallels to all this in 'Hamlet.' Ophelia and Hamlet have a natural affection and partiality for each other; but they are shut away and exacerbated into antagonism by unwise interference on both sides; it is certainly Ophelia's father who takes a main part in that interference and who spies, intercepts letters and hides behind the arras exactly as the Jesuit emissaries were accustomed to do, and Hamlet also accuses him of being a 'fishmonger' (II. ii).

The main fault in Ophelia's character is certainly her equivocation, and it is this which causes the rupture between herself and Hamlet (III. i).

Hamlet comes upon her, apparently intent upon her prayers, for the words of Polonius distinctly imply this (III. i).

'Read on this book;

That show of such an exercise may colour

Your loveliness. We are oft to blame in this,—

'Tis too much proved—that with devotions visage

And pious action we do sugar o'er the devil himself.'

So does Hamlet's greeting when he comes upon Ophelia:

'Nymph, in thy orisons

Be all my sins remembered.'

and yet she answers the question 'Where's your father?' with a deliberate lie: 'At home, my lord.'

As usually acted on the stage Hamlet's sudden change from affection to wrath is shown to be due to some sudden movement of the arras which betrays the presence of a spy and makes him suspect Polonius. The 'paintings' of which he accuses Ophelia are usually set down as meaningless accusations, due either to his wrath or his madness, and having no real reference to anything in Ophelia herself. But 'painting' and the artifices of the toilet

were the most common symbols the whole of the Protestant sixteenth century used in describing the Church of Rome and they are introduced most appropriately here at the moment when Ophelia is shown as colouring over her father's plot with a show of piety :

'I have heard of your paintings too, well enough ; God has given you one face, and you make yourselves another : you jig, you amble, and you lisp and nick-name God's creatures, and make your wantonness your ignorance.'

Equally appropriate would be, on such an interpretation, the raging advice to enter a nunnery.

Barnabie Rich dwells a good deal on the unusual customs of the Irish : one of these is their habit of sitting on the floor at ceremonies :

'The manner of their sitting in this great feasting is this : Stooles nor tables they have none ; but a good bundle of Straw strewed about the Floore, they set themselves downe one by another.'

He goes on to speak of the scandals to which such careless customs give rise. This may help to explain a scene which has always puzzled commentators : the play-scene in which Hamlet chooses to seat himself on the floor by Ophelia and to behave in a way which certainly shows *immodesty* (III. ii).

The stage directions represent Hamlet as lying down at Ophelia's feet and he speaks to her afterwards with gross suggestiveness. There is *really* no rational explanation for this scene on any ordinary *lines* ; but, if Shakespeare alludes to Ireland, then it was simply a notorious Irish custom.

Barnabie Rich speaks of Irish religion as being only subservience to the Pope, *praying* and the eating of fish and, when they throw off this allegiance, they go, as it were, distracted and relapse into complete paganism. He mentions among their pagan customs the *strewing around of herbs* on May Eve and on Midsummer Eve, and he also mentions the numerous holy wells of Ireland and Dublin and the worshipping of such holy wells as a part of the people's religion.

Now Ophelia in *her madness*, does strew herbs around (IV. v) :

'There's fennel for you and columbines ; there's rue for you ; and here's some for me ; we may call it herb grace o' Sundays.'

'There's rosemary, that's for remembrance.'

As for the *worship* of wells, part of such worship was by

hanging garlands on the branches of trees which grew over them, and it is precisely in the hanging of such a garland that Ophelia meets her death (IV. vii).

‘ There, on the pendent boughs her coronet weeds  
Clambering to hang, an envious sliver broke.’

Other parallels, not found in Rich, are obvious enough. Thus the Irish were always famous for the number of their bards and musicians, as bards, rhymers and professional musicians invariably formed part of the establishment of the chiefs and Norman-Irish nobles.<sup>1</sup>

Their songs were naturally, in the sixteenth century, exceedingly melancholy, and it was they who did more than any other class to keep alive the spirit of Irish nationality. It was they who sustained it to the very end.

Now Shakespeare represents Ophelia as singing snatches of song all the time in her madness (IV. v) and singing even in her death (IV. vii).

‘ Her clothes spread wide :  
And, mermaid-like, awhile they bore her up :  
Which time, she chanted snatches of old tunes ;  
As one incapable of her own distress,  
Or like a creature native and indued  
Unto that element : but long it would not be  
Till that her garments, heavy with their drink,  
Pull’d the poor wretch from her melodious lay  
To muddy death.’

We see here that it is snatches of old tunes which Ophelia sings and that she sings to the very last moment of her life, which certainly would be a wonderful and strictly accurate symbol for the dying nationality of Ireland.

The mention of water as a kind of ‘ native element ’ of Ophelia’s is also remarkable, for this is exactly the description of Ireland given by nearly every writer in the sixteenth century, that almost half the country is bog and water, or woods which were almost equally wet.

‘ Prior to the seventeenth century the winter rains converted many of the streams into raging torrents, overflowing their erstwhile banks and forming extensive lakes, large bogs and morasses with great patches of rushes and long grass. . . . The presence of water in the

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<sup>1</sup> *Elizabethan Ireland*, G. B. O’Connor.

large lakes, copious rivers and streams meandering . . . through extensive bogs, was an equally marked feature. . . . Bogs and morasses filled up a large part of the country. . . . Half the total area was wood, bog, barren mountain land or water.'<sup>1</sup>

'To the general use of herbs and the tops of nettles, was probably due the belief that the Irish rebels lived on a kind of grass only.'

The State Papers themselves are equally emphatic as to the water and the rain being the native elements of Ireland. Shakespeare expressly gives us to understand that his heroine met her death in boggy water, for he speaks of it as 'muddy death' (IV. vii), and it was the typical death of the Irish rebels as the sixteenth century envisaged them, found floating in their bogs or pools with the herbs which were their piteous support, clasped fast in their hands. As I have already said, the Irish leaders perished under Mountjoy, by drowning in the bogs of 'Ophelia.'

It is in the grave of the piteous drowned Ophelia that Hamlet also finally commits himself to his fate (V. i), and the death of the Irish nationality and the fate of Essex were, indeed, inseparably entwined.

Ireland was proverbially known all over Europe as 'the Englishman's grave.'

When we put all these things together, it is difficult to resist the conclusion that Shakespeare is putting something of the Irish situation into the play of 'Hamlet.' There is the significant name of 'Ophelia,' the loss of which was the cause of the downfall of Essex and the region where, almost as Shakespeare was writing 'Hamlet,' the drowning of the Irish leaders occurred.

There is the fact that the Irish poets still personify their country as a woman and that, in Shakespeare's time, such personification was so common as to be almost universal. There is the fact that a country in the throes of civil war was almost invariably described as being 'distracted' or 'insane' with its sufferings, as France, for instance, is repeatedly described as insane in Agrippa D'Aubigne's epic poem of 'Les Tragiques.' There is the further fact that the Irish State Papers themselves repeatedly describe Ireland as 'distracted.' We may add that nearly all the qualities symbolic of the rebellion in Ireland are accumulated together in the character of Ophelia.

I do not think that in the character of Hamlet himself Shakespeare is depicting the Earl of Essex or any one individual; a

<sup>1</sup> *Elizabethan Ireland*, G. B. O'Connor.

great part of the play, as I have shown in my book on *Hamlet and the Scottish Succession*, is probably derived from a study of James I and the affairs of Scotland, but the two subjects were, at that date, inseparably connected together in the public mind. Whatever Essex had or had not aimed at in his 'so-called' conspiracy there can be little doubt that James of Scotland was fully involved in it. Essex himself asserted that the aim of his conspiracy was to avert the danger of a Spanish succession and to ensure the Scottish succession, and the friends of Essex asserted that he had died a martyr to the cause of James. That the King himself believed this is exceedingly probable, for his own behaviour suggests it; upon his accession one of the first things he did was to set Essex's fellow-conspirator—the Earl of Southampton—free from the Tower and give him a position of honour near his own person; he also returned the sequestered property of the Earl of Essex and restored the family in blood and honour. At the time 'Hamlet' was written the memory of Essex was indissolubly united with the hope of James of Scotland as the heir to the Crown.

It is my belief that the play of 'Hamlet' is very largely composed of just those problems and ideas which chiefly pre-occupied the minds of Shakespeare and his audience at the date at which the play was written. The story of the mother who married with indecent haste the murderer of her husband would fit equally well either James I or Essex, for such a fact was a salient one in the youth of both. The figure of the lonely scholar isolated in the midst of a Court which did not understand him and which perpetually intrigued against him would fit either equally well; so would the devotion to philosophy and Protestant theology; Essex was the leader of the Puritans in England and James had a passion for theological discussion. So far as melancholy was concerned that also was present both in James and in Essex; so also was the problem of the unstable temperament; James had been a conspicuous example of that all his life and Essex was a still more conspicuous example of it during his later years.

There are, however, certain elements in the character which are more appropriate to Essex than to James; the warlike valour, the reputation of a soldier, the relation to the players and the intense interest taken in their art, the scorn and contempt for courtiers, and at the same time the winning charm

of the personality. No efforts of interpretation have ever yet been able to interpret the character of Hamlet with consistency as that of an individual for, as Mr. J. M. Robertson has conclusively shown, different critics arrive at totally different interpretations and each one makes his own portrait consistent only by ignoring a number of the data included by the others.

I do not believe it possible to interpret the character of Hamlet as an individual unity; the Elizabethans usually drew the type and not the individual, either the national type or the representative type, but not the individual as such.

Shakespeare may, quite probably, have intended Hamlet to represent the Elizabethan era as it was in its last years. Essex and Raleigh were the last two of its great representatives and they destroyed each other over the succession question. I have shown in my book how Robert Cecil played off Essex and Raleigh against each other and led them to destroy each other just as Hamlet and Laertes are played off against each other in the tragedy.

The Elizabethan age, so glorious in its prime, was ending when 'Hamlet' was written, ending in disillusion, in division of mind, and in profound melancholy; it ended also with the destruction of the Irish nationality, and it is this picture of profound and tragic gloom which, I believe, Shakespeare has transmuted for us into the pages of 'Hamlet.'

LILIAN WINSTANLEY.

## SAINTE-BEUVE AND THE ENGLISH PRE-ROMANTICS

SAINTE-BEUVE often spoke with great admiration of English poetry, and regretted that he had not time to explore further that enchanting region of which he had only caught a glimpse. In the last year of his life he wrote to a friend, M. Doinel :

‘ Il y a là la plus riche, la plus douce, la plus saine et la plus neuve littérature poétique : en deux ou trois ans on peut en être maître, et alors on a pour toute la vie des trésors de poésie domestique, morale, une poésie d’affection et d’imagination. La correspondance des poètes recueillie après leur mort forme aussi une suite de lectures charmantes. . . . Nos poètes français sont trop vite lus ; ils sont trop légers, trop mêlés, trop corrompus le plus souvent, trop pauvres d’idées, même quand ils ont le talent de la strophe et du vers, pour attacher longtemps et pour occuper un esprit sérieux ’ (*Nouvelle Correspondance*, p. 352, 1869. See also letters to Roussel, Armstrong and Arnold, *Corresp.* I, p. 273 ; *Corresp.* II, p. 44, *French Quarterly*, September, 1921).

Though not intimately acquainted with his works, Sainte-Beuve had a veritable cult for Wordsworth, and second only to him in his affection and esteem were the precursors of the Lake poets, Gray, Cowper, and Crabbe. Cowper and Gray, original, melancholy, self-revealing yet restrained, appealed to the psychologist and the classicist in Sainte-Beuve : Crabbe appealed by his uncompromising realism.

When he was writing for the *Globe* (1824–8) Sainte-Beuve doubtless was already acquainted with some of Gray’s poems, at least in translation ; yet, until 1835, that is after his definite separation from Hugo’s school, he does not mention Gray in his critical works. After 1835, references, fairly numerous and all appreciative, give evidence that he had read not only the Latin and English poems of Gray but also his correspondence, to which he frequently refers and which he sometimes quotes (*Portraits Contemporains*, vol. 2, p. 236 ; vol. 3, p. 273 ; vol. 4, p. 59. *Portraits Littéraires*, vol. 2, p. 225. *Lundis*, vol. 1, p. 446 ; vol. 2, p. 318). Gray’s poetry interested Sainte-Beuve

because it revealed a personality, 'melancholy, delicate and original,' and charmed by its classical restraint the critic who, towards the end of his life, said of himself :

' Je suis resté, malgré tout, de l'école classique, de celle d'Horace, du chantre de la forêt de Windsor, et même, en n'y mettant plus du tout de passion, je reste obstiné par ce côté de mon esprit et dans ce for intérieur de mon sentiment ' (*Nouvelle Corres.*, p. 235, 1867).

He seems, moreover, to have felt a close affinity between himself and Gray, and at times, when he is writing of the English poet, gives the impression that it is his own feelings that he is analysing. One passage in *Volupté* (pub. 1834) is almost a paraphrase of the stanza of the 'Elegy' beginning : ' Full many a gem . . . ' Amaury says :

' Sur cette bruyère de Couan . . . je m'arrêterai devant quelque pierre informe . . . et je prononcerai dessus ces mots : " Aux grands hommes inconnus ! " Oh, oui . . . aux grands hommes qui n'ont pas brillé, aux amants qui n'ont pas aimé, à cette élite infinie que ne visiteront jamais l'occasion le bonheur et la gloire, aux fleurs des bruyères, aux perles du fond des mers, à ce que savent d'odeurs inconnues les brises qui passent ' (p. 151).

This passage had evidently made a powerful impression on Sainte-Beuve, for he refers to it again in a later work and quotes Chateaubriand's translation (*Chateaubriand et son groupe Littéraire*, vol. 1, pp. 140-1, 1849). He draws a parallel between the emotions expressed in it, and those of Chateaubriand himself at the time when he wrote the translation :

' Quand Chateaubriand, pauvre et luttant à Londres contre le malheur traduisait où imitait cette élégie, il faisait sans doute un retour sur lui, sur sa propre destinée encore si douteuse. . . . '

Sainte-Beuve, at the beginning of his literary career, probably also found in the elegy the expression of his own discouragement. Years later, looking back on the failure of his poetic ambitions, he wrote with profound understanding of Gray's dejection during the five years of poetic stagnation which he spent at Cambridge :

' Je le chercherais plutôt dans la stérilité d'un talent poétique si distingué, si rare, mais si avare. Oh, comme je le comprends mieux, dans ce sens là, le silence obstiné et boudeur des poètes, arrivés à un certain âge et taris, cette rancune encore aimante envers ce qu'on a tant aimé et qui ne reviendra plus, cette douleur d'une âme orpheline de poésie et qui ne veut pas se consoler ' (*Lundis*, XIV, p. 430).

In Sainte-Beuve's poetical works there is only one poem translated from Gray, 'Eton College.' Four stanzas appeared in 1836 in an article on Mme. Guizot, and the complete poem was inserted in the edition of the *Poésies Complètes*. Apart from this we find no trace of any influence of Gray on Sainte-Beuve's poetical works.

Judging from his critical articles he knew and understood Cowper's poetry much more intimately than that of any other English writer, even Wordsworth.

As early as 1825, in an article in the *Globe* (compte rendu of Pichot's *Voyage en Angleterre*, 15th December, 1825), he speaks sympathetically of Cowper, comparing him with Rousseau :

'Cowper . . . présente d'étonnants rapports avec notre Rousseau, par sa vie malheureuse dès l'enfance, par l'âge auquel son talent se révéla à lui, par la teinte mélancolique et religieuse de ce talent, enfin par les égarements de son âme soupçonneuse et tendre.'

There are, however, no poems translated or imitated from Cowper in either *Joseph Delorme* or the *Consolations*, a fact which suggests that, during his period of allegiance to the Romantic school, his interest in Cowper was overshadowed by a greater admiration for Wordsworth and the other Lake poets. Between 1830 and 1834, that interest received a new stimulus ; Sainte-Beuve embarked on the study of Port Royal, which formed the subject of his lectures at Lausanne during the session 1837-8. In the Jansenists, of whom he has drawn such a wonderful series of portraits, he recognized men of the same order of mind as the sensitive and puritanical Cowper ; he himself makes the comparison and regrets that Port Royal had no such poet :

'Je me suis quelquefois étonné et j'ai regretté qu'il n'y ait pas eu à Port Royal ou dans cette postérité qui suivit, un poète comme William Cowper. . . . Cowper était, comme Pascal, frappé de terreur à l'idée de la vengeance de Dieu ; il avait de ces tremblements qu'inspirait M. de Saint-Cyran, et qu'il a si tendrement chantés' (*Lundis*, XI, p. 177, 1854 ; see also *Nouveaux Lundis*, III, p. 63, 1862).

An article written in 1836 contains a vigorous defence of Cowper, whom Villemain had dismissed as

'un esprit singulier et maladif . . . sans puissance sur l'imagination des autres hommes' (*Portraits Contemporains*, II, p. 391).

Sainte-Beuve took up the cudgels, and warmly maintained that Villemain showed bad taste in accepting the popular judgment, which preferred Byron to 'le tendre et profond Cowper, le sublime Wordsworth.' At this time several of his friends shared his growing enthusiasm for the poetry of Cowper, among them William Hughes, an Englishman who helped him with the difficult passages, Lacausade the poet, and Mme. Desbordes Valmore's daughter Ondine, who had translated some of the Olney hymns (*Portraits Cont.*, II, p. 138).

In the articles written between 1838 and 1854 Sainte-Beuve often mentions Cowper. When he discusses a nature poet, Fontanes, Leopardi, Delille, a comparison or contrast with Cowper comes to his mind, and several times he expresses regret that French literature has no such poet :

' Il nous aurait fallu un Cowper pour fixer dans notre poésie toute cette partie réelle et jolie, vraiment rurale. . . . Brizeux y a tâché mais il tâche trop. . . . Le Cowper, jusqu'ici nous a manqué ' (*Lundis*, VIII, p. 77 ; see also *Lundis*, VII, 177 ; X, 242).

In 1854, on the occasion of the reprint of Southey's biography and edition of Cowper, he published four articles, the first entitled ' De la poésie de la nature : de la poésie du foyer et de la famille,' and the other three, ' William Cowper, ou de la poésie domestique ' (*Lundis*, XI). A note to the last one informs the reader that this study is ' déjà ancienne,' and that the author could have developed it to much greater lengths (p. 189). As they stand, the articles give proof of an intimate first-hand acquaintance with not only the poetical works of Cowper, but also his correspondence and his biography. At the beginning of the second article, Sainte-Beuve refers the reader for full details to Southey's edition (first published in 1836, reprinted in 1854) and to Grimshawe's edition (1850). Both these volumes were among his books at his death as well as a London edition (1853), Hayley's edition of *Cowper's Life and Letters* (London, 1835) and the *Task*. The two last-named contained marginal notes in Sainte-Beuve's handwriting (*Catalogue des livres rares et curieux composant la bibliothèque de Sainte-Beuve*, Paris, Potier, 1870, Part I, No. 491 bis, Part II, Nos. 262, 263, 778). Of all his criticism of English writers, these articles are the most interesting part, because here he is speaking of a poet whom he knew well enough to be able to form an entirely personal judgment. There is no other English writer whose work he examines in such detail, or of whom

he has made so finished and sympathetic a portrait. After giving in the first two articles a short account of the life of Cowper, he proceeds to an analysis of the *Task*, an examination of the most beautiful passages, a consideration of style and an appreciation of the poet's qualities, quoting many passages translated from the correspondence, from the *Task* and from the shorter poems. Some of these translations are from Hughes, some by Lacausade, one, an Olney hymn (already quoted in an earlier article of Sainte-Beuve), by Ondine Desbordes Valmore; one is copied from a translation in the Bibliothèque Universelle de Genève. The name of the translator is generally indicated in a footnote, but where it is not given Sainte-Beuve is presumably himself the author. Most of these passages, which seem to be his favourite ones, are taken from the *Task* and are examples of that 'modest and familiar' poetry mingled with the poetry of nature, which Sainte-Beuve was so desirous of introducing into France. It is the scenes of simple domestic happiness which delight him most. The poems, and still more the correspondence, of which he wrote with the greatest admiration, and which he was astonished to find still untranslated into French (p. 139), revealed to him a personality very different from his own and therefore doubly interesting, and provided him with material for the delicate and sympathetic analysis he has made of the mind of Cowper. As in the case of Gray, the restraint of Cowper's poetry was an added charm to the Sainte-Beuve of later life, who, while recognising the greater power of the turbulent and forceful geniuses, himself preferred the polished and studious writers.

Certain aspects of Cowper's poetry did not appeal to him: while appreciating its tenderness, purity and spontaneity, the moral and religious sentiment with which it is impregnated, he was sometimes repelled by an excess of austerity and a certain declamation which mar even the most beautiful poems: 'Il a l'inconvénient de ressembler plus d'une fois à la prédication en vers' (p. 183). He judges Cowper's taste to be 'bold and original rather than sure' and his choice of images to be at times a little over-subtle. He cannot enjoy the very English humour of 'Gilpin':

'Il faut voir ces choses dans l'original avec l'humour qui y est propre, et être soi-même du crû pour les sentir. . . . Je n'ai voulu que donner idée de ce côté si imprévu pour nous et si anglais du génie

de Cowper. Reprenons-le par ses côtés sérieux, les seuls par où nous puissions l'atteindre ' (p. 173).

These, however, are slight criticisms and insignificant in comparison with the enthusiastic praise which Sainte-Beuve accorded to Cowper, whose qualities he summed up in the following passage :

' On saisit mieux dans les lettres les sources véritables de sa poésie, un badinage encore affectueux, une familiarité que ne dédaigne rien de ce qui intéresse . . . mais tout à côté, de l'élévation, ou plutôt de la profondeur. N'oublions pas non plus l'ironie, la malice, une raillerie fine et douce.'

He concludes the last article with a comparison between Cowper and Pascal, Saint Pierre, and Rousseau, especially the last named, who loved nature with an equal passion, but lacked qualities which gave elevation to Cowper's poetry :

' Je pensais . . . à l'union de la famille et du foyer avec celle de la nature. C'est cette union qui manque chez Rousseau, et par toutes sortes de raisons qui font peine à ses admirateurs : ce peintre aux larges et puissantes couleurs vit et habite dans un intérieur souillé ' (p. 195).

From time to time, in the articles published after 1854, Sainte-Beuve draws a comparison between Cowper's poetry and admirable passages of description and sentiment in the authors he studies : a passage from 'Madame Bovary' recalls the 'Promenade d'hiver à midi' from the *Task*, the poetry of Maurice de Guérin renders as delicately as Cowper's 'les joies d'un intérieur pur, la félicité domestique, ce ressouvenir de l'Eden. . . .' (*Lundis*, XIII, 351, 1857 ; XV, 24, 1862). In 1862, in an article on 'Jean Racine et Louis Racine,' he regrets 'le poète tendre, plaintif, l'élégiaque chrétien, le Cowper janséniste qu'on aurait souhaité à Port Royal expirant' (*Nouveaux Lundis*, III, p. 63). The last reference occurs in an article on Madame Desbordes Valmore, published in 1869, the year of Sainte-Beuve's death.

His interest in Crabbe corresponded with his attempt to introduce more realism into his own poetry, at the time when he was writing the 'Pensées d'Août,' which, as M. G. Roth has already shown, bear the profound mark of Crabbe's influence. (See M. Roth's article in the *French Quarterly* of March, 1921, on 'Sainte-Beuve, Crabbe, et le conte en vers.') After the publication of 'Jocelyn,' convinced of his powerlessness to rival

Lamartine in his own sphere, he sought to bring the poetry of nature and the home to earth again :

‘ Or, il m’a semblé qu’il était bon peut-être de replacer la poésie domestique familière et réelle, sur son terrain nu, de la transporter même sur des collines pierreuses et hors de tous les magnifiques ombrages ’ (*Poésies complètes*, p. 306).

He found a model in the verse narratives, the ‘ Parish Register,’ the ‘ Borough,’ the ‘ Village,’ of which he wrote a eulogy in the article on ‘ Jocelyn ’ (*Portraits Contemporains*, I, 329, 1836) appreciating Crabbe’s talent for describing sordid life and his fearless representation of stark realities. He admired Crabbe for the very reason for which Hazlitt blamed him, because he chose the subject of the country only ‘ to dispel the illusion, the glory and the dream which had hovered over it in golden verse from Theocritus to Cowper,’ and to Lamartine. It is true that for a time, this new master overshadowed even Wordsworth ; it is probably true, as M. Roth says, that Sainte-Beuve had actually much more affinity with Crabbe than with the Lake poets, but we are inclined to doubt that he ever considered him to be as great a poet as either Wordsworth or Cowper, or that his admiration was as enduring as it was in their case. However it may be, there is only one reference to Crabbe in the critical articles after 1852 ; he continued to regard him as the master realist (*Lundis*, V, 390, 1852 ; *Corres.*, I, 170, 1850), but he was too intelligent not to appreciate the higher poetic inspiration of Wordsworth and Cowper.

Even at the end of his life, Sainte-Beuve did not read English fluently (*Corres.*, II, p. 358, 1869) ; it is therefore probable that the dialect of Burns offered almost insuperable difficulties, and we are not surprised to find very few references to these poems. Such as there are do not give proof of more than a slight acquaintance with the work of Burns. The only poem he mentions is the ‘ Cottar’s Saturday Night ’ (*Portraits Littéraires*, II, p. 353, 1852), which he admires because it is not merely a picturesque description ; ‘ Burns se montre en outre cordial, moral, chrétien patriote ’ (*Portraits Littéraires*, II, p. 353).

The catalogue of Sainte-Beuve’s library, published at his death, contains the names of the 1829 edition of Crabbe’s poetical works (Paris, Galignani), the 1835 edition of the *Life and Letters of Cowper* (ed. Hayley, London, 1835), as well as editions of *Wordsworth* (Galignani, 1828), *Coleridge* (Galignani, 1828) and

*Southey* (Galignani, 1829). As these were published when he was still comparatively unknown in the literary world, we may at least surmise that he bought them, and, if that is so, poor as he was, he must have been very eager to possess them. This fact alone has little significance, but allied with the evidence of his criticism and correspondence, it throws light on the sincerity of his interest in the Lake poets and their precursors. In 1824, when he began writing for the *Globe*, English literature, and especially recent and contemporary literature, was, it is true, so much the fashion that no young man of any pretensions to literary distinction could be entirely ignorant about it. Sainte-Beuve probably read the articles of his colleagues, and, in the case of many English writers, he may never have gone further than this second-hand information ; but, in the case of Cowper and Crabbe, there is no doubt that, mastering with the help of his friends the difficulties which his incomplete knowledge of English presented, he attained to a remarkable knowledge and understanding of their works. In later life the strenuous nature of his task compelled him to neglect English poetry, but it was with many a sorrowful backward glance that he turned away from 'the land of Chanaan.'

E. M. PHILLIPS.

# THE GENERAL THEORIES OF UNEMPLOYMENT

## 1. INTRODUCTION.

There are many theories advanced as an explanation of unemployment, each of which is an examination of one or more of the causes of the problem. Thus the explanation of unemployment given as the result of the organisation of the normal economic system. Some emphasise the state of post-war industrial organisation as the source of trouble ; others the world currency and credit situation ; still more pronounced is the agreement that the destruction of wealth in all the European countries as the result of the war is a profound cause. Lastly, there is the human or personal factor in the equation, in the opinion of many transcending all other reasons, despite the investigations carried out to prove that those willing to work for wages and unable to find any suited to them, far outnumber those work-shys who are content to exist precariously with the help of the insurance funds or by poor relief.

## 2. CAUSES IN THE NORMAL ECONOMIC SYSTEM.

Under the heading of those causes that are found in the normal economic system, quite distinct from those disturbances in the post-war economic system, are eight chief groups of maladjustments making for an increase in the rate of unemployment.<sup>1</sup> The distribution of skilled workers among the various industries in each country is purely arbitrary, and this leads to an over-supply in some occupations together with a shortage in others—a shortage that cannot be easily made up. For instance, the number of skilled moulders is inadequate. This makes the output of light castings short of the post-war demand and hence building materials cannot be increased quickly, as it takes time to train skilled moulders. The same difficulties arise in the building industry itself where we have a shortage of bricklayers because of the pre-war drift from the building industry into

<sup>1</sup> *League of Nations Report on Unemployment*, November, 1922.

others where conditions of work and demand were more stable. There is also the lack of mobility of labour. A family is difficult to move, so inadequate distribution of labour between different localities is a constant cause of unemployment, despite the best labour exchange arrangements for facilitating movement of labour. Again, there is a definite slack season in most trades and occupations each year—a seasonal variation in the demand for labour which causes those people on the fringe of employment to be thrown out of work, especially in those occupations like the dockers which have a large element of casualisation and no adequate staff list at the ports. Accidents will happen in all industries, and cannot be foreseen, hence unemployment causing a breakdown of industrial activity due to this cause is always occurring. Bad industrial organisation on the part of the entrepreneurs accounts for unemployment in many staple industries—a wrong calculation of the course of price movements, an inadequate supply of raw material or a positive unscientific organisation of the industry. The state of the cotton industry at the beginning of 1924 is a good illustration of this point, when the failure to agree on some form of a cotton control board placed the industry at the mercy of speculators in raw cotton. Under this head again must be placed the frequent chaotic disputes that arise in the mining industry, owing to the wasteful and uneconomic methods of working without unification and without large scale economies that would be possible in each area with a single system of operating and control. Sudden changes in industrial methods mean a falling-off in the demand for some kinds of labour and an increase in those of other kinds. The substitution of oil fuel for coal means that fewer stokers are required on board ships; any new invention that displaces labour in favour of more capital means an immediate shrinkage in the demand for that type of labour, but eventually, of course, may mean a greater demand for the product owing to its cheapening and so the absorption of the displaced labour.

The reorganisation of the tinplate industry from private partnership to that of joint stock control or amalgamation into larger units means a disturbance which inevitably causes a change in certain types of personnel in the industry, though in this particular case owing to the exhausting physical labour involved and the absence in large measure of new methods of production there was a relative shortage of skilled labour for a short time.

Speeding up, quicker machinery involving an acceleration in the rate of production, causes the older men to be displaced by younger men at an age when it is too late for them to be trained effectively for some other occupation. Social disturbances even in times of good trade are frequent. There may be a case of some trades on short time when others are booming. A famine in India will affect the Lancashire cotton industry ; a revolution in South America will disturb the balance of certain export trades, while an industrial dispute for a wage to meet the increased cost of living in the transport industries affects numerous other industries. Periodic crises of over-production were frequent causes of disturbances before the war and occurred at regular intervals of from seven to ten years.

### 3. CAUSES ARISING OUT OF THE POST-WAR ECONOMIC SYSTEM.

Among the causes arising from the post-war economic system the first place must be given to the international political and economic situation with its new territories, new countries, a disturbed national temper and readjustments due to the changes in the ownership of natural resources, lines of transport and the loss of capital and wealth as a direct result of the war. European countries have been impoverished ; their powers of production have been seriously impaired ; their control over, and command of, raw materials essential to industrial activity have been changed for the worse ; they are impoverished buyers looking into the world shop windows with no cash to buy. Foreign exchanges collapsed and there was no stability in the unit of purchasing power ; currencies were so depreciated that it was very unsafe to keep money from day to day owing to the fall in its value ; there was no sanctity in a business contract under such conditions and trading becomes impossible when violent oscillations in prices take place from day to day. The cost of living in all countries moved up rapidly, in nearly all cases without a corresponding increase in purchasing power and consequently under-consumption. Changes in demand followed as a direct result of changes in the incomes of the various classes in society. The middle-class of Germany and Russia found it impossible to live, while all the professional and fixed income-earning people were reduced to the poverty line. All these disturbances were accompanied by an increase in governmental interference with industry ; in some countries this was not

carried far enough or on a scientific basis, e.g. in Germany the Government of the Reich was never able to control its industrialists who successfully evaded taxation by their influence in politics and their control of finance and currency depreciation. In our own country it has been pointed out that government control came to an end too suddenly with the resulting chaos in the period following upon its sudden reimposition on credit in April, 1920. In France there has been very little control of any kind, inadequate taxation and an unbalanced budget. This brought an attempt to remedy the situation by military action—control of the Ruhr, with the inevitable corollary of alarms in Europe, the collapse of the franc and industrial chaos in Germany, accompanied by the postponement of the resumption of stable demands in our European and oversea markets. The United States alone seems to have escaped the great evils of the post-war resumption to peace conditions, but even there the year 1921 witnessed a volume of unemployment running into millions. The crisis was, however, safely passed by the careful policy of the United States Treasury and the Federal Reserve Board control of credit and currency, joined of course to the unexampled economic strength of the country. America alone emerged out of the war stronger in all respects almost than when she entered, especially when it is remembered that her credit was against us—a good debt, as contrasted with our credit against the rest of the world—a bad debt, the interest on which has not yet been collected or likely to be received.

That there have been radical changes in the post-war economic system is clear to the most superficial observer. Price changes had been on such a scale as to dislocate all methods of organisation, internal levels of prices being in several instances different from the external levels. Credit has been unstable and has oscillated according to change of government and any rumour of a change of policy, while these two have set up or have been accompanied by cyclical fluctuations which have witnessed a misdirection of productive energy and changes in industrial organisation such as the world has not seen since the time of the industrial revolution.

In 1925 Great Britain cannot be said to lack factories, railway facilities, ships or labour and management efficiency, yet we have a large proportion of our productive capacity lying unused, and we have over a million unemployed. The chief reason for this

state of affairs is the loss of markets on the Continent of Europe and the consequent disorganisation of the international financial and commercial organisation which links all world countries together.

‘Germany and Great Britain have been the principal sufferers as a result of the post-war maladjustment of world trade and finance. This is simply because the commercial and financial organisation of these countries was more highly integrated and more intricately interwoven with the world at large. England’s international economic system developed earlier than Germany’s, but they were very similar. Each had before the war a huge urban population which could sustain itself only through the import of foreign food-stuffs. Each had a large adverse trade balance which was paid for with (1) the income derived from interest on foreign investments, and (2) shipping, banking, insurance and other miscellaneous earnings. In each case before the war there was a net balance available for new investments abroad.’<sup>1</sup>

A glance at the wholesale price index for the post-war years suffices to show the extraordinary variation in the levels of prices in all the countries of the world. The demonetisation of gold and the issue of paper money inconvertible into gold cut off most of the European countries from the gold standard, and hence the unit of measurement throughout the world. Gold ceased to flow into Europe; there was no demand for it except in depreciated paper currency, so it began to flow into the United States because the purchasing power of an ounce of gold in dollar currency was higher than the purchasing power in any other depreciated paper currency in any other country. A variation took place in the standards of value of all countries, and instead of a stable monetary unit of reckoning we have had, since the Armistice, several standards based on the purchasing power of the units of reckoning in almost every country. These could be related to one another by means of what is known as the purchasing power parity—a rather unsafe method of equation because of the disturbances set up, as a result of the war, in the equation of exchange of goods between the different countries of the world. It has always been possible to effect an exchange of one country’s currency into that of another country since the Armistice, but the purchasing power of each country has varied so considerably in that period from year to year that the foreign

<sup>1</sup> Moulton and McGuire, *Germany’s Capacity to Pay*, p. 241. McGraw-Hill Book Co., New York, 1923.

exchange rate has been far from stable and its fluctuations extraordinarily wide.

It has been impossible again for prices to be stable owing to the variations in credit of the European countries. After the expenditure of vast sums in the war and the selling of gold for food-stuffs and raw materials following upon the war, the credit of most of the European countries was exhausted and they had no means of replenishing it except by loans, which were impossible to effect—Britain and America were the only two countries who could lend. Consequently the reconditioning of industries, the purchasing of raw materials, capital and expenditure on transport and other costs necessary to restart production could not be effected. Even in 1924 it became increasingly clear that nothing could be got from Germany without an international loan to restart her vital industries for export on a large scale before she could begin paying reparations. Germany must import raw materials on a large scale before she can begin to put herself in a condition to be able to export. Similarly in Russia. It will be necessary to give Russia large credits before she will be able to exchange goods on a large scale for British manufactures.

The rates of discount have varied considerably in different countries. When currency depreciation sets in and inflation takes place, the raising of the rate of discount has no influence on borrowing; in short, the rate can never be raised sufficiently quickly or to such a level as to keep pace with currency depreciation. The amount of existing liabilities has therefore affected the state of confidence of all European countries by making it impossible for them to secure new credits to rehabilitate their productive capacity. What is worse, when France secured any balances she used them to lend to her satellite States in the form of useless military expenditure—this has delayed considerably a stabilisation of the credit position, especially in view of the fact that she has paid no interest on her debt to us, while our efforts to meet the service of our debt to the United States have placed a very heavy strain on our financial position to which it ought not to have been subjected so soon after the costs of the war.

The extent of the gigantic expansion in currency and credit after the war as compared with pre-war days is seen in the difference between London bankers' clearance in 1920 (£39,018 million) as compared with 1913 (£16,436 million), while the weight of imports in the former year was only 44½ million tons

as compared with 54½ million tons in 1913. The remedies for this state of affairs were outlined by the Bankers' Brussels Conference of 1920 as first of all peace—and the cessation of the innumerable small wars and threats of war still going on in Europe after the Armistice. They advocated all governments living within their means and the restriction of internal credit to that end, economy of expenditure, and currency stabilisation, together with some scheme for export credits to finance foreign trade during the interregnum period. Inflation and inability to balance budgets go together. They advocated, therefore, drastic increases in taxation to remedy budget deficits and to restrict all unnecessary expenditure. It was pointed out further that there was a real scarcity of capital in industry because of government borrowing. Costs of production had gone up as a result of inflation and post-war changes in the hours of labour and conditions of employment. But even the bankers admitted finally that international loans were imperative to enable the impoverished countries of Europe to pull themselves together and once more to enter the circle of exchange.

#### 4. CYCLICAL FLUCTUATIONS.

Another group of causes making for unemployment may be summed up under what is known as cyclical fluctuations. Industries and employment fluctuated even in pre-war years with a periodicity that was more than sporadic, nay, that was even regular. Some writers have drawn attention to the fact that the variation in the volume and intensity of demand for labour, in the expansion and contraction of certain industries, was fairly regularly observed to fall within a period of from seven to ten years. The heavy industries of iron and steel manufacture, engineering and shipbuilding and the other constructional industries like building and railway development were noted to suffer more severely than the other industries producing consumers' goods. Since 1860 the intervals of the worst years seem to have been fairly regularly distributed at from seven to ten years : thus 1867, 1877, 1884, 1894, 1901, 1908. The next year of heavy depression should therefore have occurred about 1915, but was obviously deferred because of the war. It has also been noted that harvest variations have close connections with variations in the volume of pig-iron and steel. Jevons' famous sun-spot theory will be remembered in this connection. From the middle

of the nineteenth century a bad world harvest would be followed within two years by a fall in the volume of pig-iron produced. As the world became more inter-related and transport and communications became more efficient the interval was shortened, until before the war a bad world harvest, or even the rumour of one, would affect the production of the constructional industries in the same year. Inventions again have a profound effect on the volume of productivity. Some writers noted that in times of depression when costs pressed heavily great efforts were made to devise new methods of cheapening production which fructify in the succeeding boom. Other well-established influences making for cyclical fluctuations are the volume of unused savings that accumulate in times of depression, for which there is no remunerative investment. It is no accident that the proportion of reserves to liabilities in banks moves up in times of depression and falls in times of expansion. This sets up psychological reactions in the business community, and a certain point is reached when optimism prevails and the result is an accession of confidence which reflects itself in briskness, an anticipation of profits from further new investments and the boom is on its way. The integration and aggregation of businesses that have been marked in America and Germany before the war, and to a lesser extent in Great Britain, have also had their influence upon mass movements of industrial expansion and contraction. The trust movement in all countries has not been able to escape the periodic boom and slump, although its power of controlling it, allied as it is with banking and finance, is probably greater than that of the competitive joint stock form of management. It must also be observed that the tariff changes brought about by any country may seriously affect a large industry, as the McKinley Tariff of 1891 practically closed down the South Wales tinplate trade which at that time was largely dependent on the United States market. This industry recovered by finding new markets. But new markets are becoming increasingly difficult to discover, so that in post-war days the loss of our European market due simply to the impoverishment of its peoples as a direct result of the war has had a permanent effect on the industrial structure and fluctuations of British industry which up to this time (1925) has not been able to find new markets to replace the old.

The relation between business cycles and unemployment was

investigated by the National Bureau of Economic Research in 1922, U.S.A., and its conclusions are most important.<sup>1</sup>

‘The general conclusion of the Committee is that as slumps are in the main due to wastes, extravagances, speculation, inflation, over-expansion and inefficiency in production, developed in the booms, the strategic point of attack therefore is the reduction of these evils, mainly through the provision of such current economic information as will show the signs of danger and its more general understanding and use by producers, distributors and banks, including more constructive and safer policies.’

‘Although a variety of reasons have been assigned for the upward and downward movement of business which seems to have occurred at intervals in all industrial countries, the general opinion is that influences which cause the business cycle are conditions within business itself, and that the most productive results in controlling it are likely to be obtained from a consideration of business rather than from efforts to explore remote considerations.’<sup>2</sup>

The general results of the investigation show that the depression of 1921 caused in the United States a diminution of approximately one-sixth in the total volume of employment measured in employee hours. The chief industries to suffer were those of mining, transport and manufacturing of the heavy industry type. It was pointed out that the reduction in the number of hours caused by part-time working was confined to a few fields, and this was of slight importance for industry as a whole. Migration from agriculture to industry was not large and the small employers are stated to have given steadier employment than the larger ones.

The remedies suggested by the inquiry are stabilisation of individual enterprises, industries and banking. Various devices are noted as leading to stabilisation during the period of the depression. Among the chief are: manufacturing to stock, increasing the variety of the products and selling on a smaller margin of profit and working the Sales Department harder. Next in importance are the scientific elimination of waste, planning ahead and the standardisation of stock. A large number of individual enterprises adopted the device of manu-

<sup>1</sup> See (edited by Wesley C. Mitchell) *Business Cycles and Unemployment*, McGraw-Hill Book Co., New York, 1923.

<sup>2</sup> For Summary, see *International Labour Review*, Vol. VIII, No. 3, September, 1923, p. 401.

facturing to stock and increasing the variety of their product. Some extended their manufacturing activities during the dull time; others felt the slump less acutely because they stated that they employed only skilled labour and by paying good wages were able to command a better market for a better type of product and so hold their own. There were other illustrations of methods of meeting the depression by 'cutting employment and reducing the pay roll,' by 'hard work and effort,' by the 'curtailment of research in dull time,' to a 'change selling policy, retailer to wholesaler, increasing output and getting cash.'

It is suggested that certain industries can be stabilised by other methods. Thus, building and railways are dealt with. Repairs and renewals at the lower costs prevailing in time of depression should be set in operation. In this way the same men could be used on several jobs. In building especially it was pointed out that house-building should be encouraged by assisting customers to finance building, and for carrying on construction work during the winter by dovetailing occupations. In railway industries the good effect of putting in hand large movements of replacement materials is pointed out, also additions to existing rolling stock and permanent way improvements.

Public employment offices are suggested as a good step and out-of-work benefits.

Most of the recommendations of the inquiry refer to the betterment of information, of statistical and research services, the control of credit expansion by the banks, the better control by business men of the expansion of their own industries, the control of private and public construction works, the setting-up of unemployment reserve funds and the establishment of labour exchanges.

There is nothing new in any of these suggestions as they have been made several times in the past in Great Britain. It seems that finance was regarded as outside the scope of investigation and there is only one chapter on this subject, while the control of credit by the banks and financial devices for controlling credit generally are not exhaustively dealt with. This would have been a most valuable line of research and it is a pity it was not undertaken. But it is probable that the machinery already set up under the Federal Reserve Board for the expansion and

contraction of credit by the banks may be regarded as a sufficient safeguard in this direction.

The individual business man's needs are emphasised in the inquiry, and particularly important is the necessity of correct information about general business conditions throughout the country and a knowledge of the future trend of business conditions. He must have the basic facts about his industry; he must study industrial problems, and he ought to have not merely facts about his own business but statistics to give him a proper basis of judgment as to general policies. In this connection a knowledge of the general credit situation and the attitude of the banks to the extension of loans is essential. Certain commodity prices are keys to the situation and a list is given which everyone ought to study: raw wool and woollen textiles; raw cotton and cotton textiles; hides and leather; iron and steel; the leading fabricated products, such as structural steel and standard tools; zinc, lead, copper and the leading products of each; lastly, coal, the raw material of power.

'While abstaining from over-estimating the importance of stabilisation of industrial business and of industry generally by planning in advance, the Committee nevertheless considers that the business man can in most cases by foresight, keep his business fundamentally sound, and that "the cessation and postponement of construction by the Government, railroads, public utilities and private owners, in boom periods when prices are high," would go far to prevent undue expansion. It recommends the systematic accumulation of reserves in times of prosperity for use in plant expansion and improvement during the depression. An essential to such plans is that the constructional programme, public or private, be drawn up long in advance of the actual emergency, so that it can be put into action without delay when the time comes.'<sup>1</sup>

This is exactly what was suggested long ago by Professor Pigou in his *Unemployment* when he advocated the accumulation of a reserve by the State over a period of years to be set in operation in times of depression.<sup>2</sup>

It is interesting to observe in view of British experience that in the United States the use of unemployment reserve funds and employment bureaux is not so favourably considered because of

<sup>1</sup> I.L.O., Vol. VIII, No. 3, p. 403.

<sup>2</sup> A bill was recently before the House of Commons embodying this principle, brought forward by the Labour Party, but was rejected (May, 1925).

administrative difficulties, happily on the road to solution with us, because it is considered that the provision of employment services have no direct and immediate effect upon the business cycle.

Of all these theories the most important one is the Monetary Theory of the influence of prices and credit on unemployment. An examination of the course of world wholesale prices and rates of unemployment undertaken by the International Labour Office <sup>1</sup> has established conclusively that a close correlation exists between unemployment and the level of prices—both in the period of crisis and in the period of recovery. Even a slight rise in prices being followed by a reduction in unemployment and a continued fall in the level of prices being followed by a rise in the number of unemployed.

If the level of prices rises violently as the result of inflation then ultimately this has led to a crisis of unemployment; and when prices are stabilised after this crisis unemployment is bound to be increased, but is followed very quickly by a gradual revival of employment. Then again, it has been observed that when stabilisation of prices follows a long period of falling prices the reduction in the volume of unemployment is very slow; but when stabilisation of prices takes place after a moderate rise of prices, then the chances are that the rapid improvement in the demand for labour which sets in when prices begin to rise will be continued forward into the period of stabilisation.

A world stable level of prices is therefore the essential requirement of a low volume of unemployment. A managed currency is possible so that the price level will be stable. The experience of the United States in 1921 and 1922 has proved this conclusively. By allowing her level of prices to rise following upon the slump of 1921, and then stabilising at a certain point when her industries were fully employed, she succeeded in turning a slump into a slight boom, and thereafter kept her volume of employment at a high level. We in Great Britain have pursued the opposite policy of steady deflation, and we have paid the price for it in a heavy and long period of unemployment.

The return to the gold standard does not mean stability of prices, for gold itself fluctuates in terms of purchasing power. The time, therefore, is coming when an international arrangement between the United States and ourselves will keep world wholesale

<sup>1</sup> *Report on Unemployment, 1920-3.* I.L.O., Geneva, 1924, p. 135.

prices steady despite the gold standard. The United States has experienced violent oscillations of prices from 1918-24, although it has been on the gold standard the whole time. A scientific currency and credit policy affecting price movements, based on the observation of index numbers of commodities is possible, whereby the world level of prices could be kept reasonably steady, thus avoiding those catastrophic changes in prices which encourage wasteful speculation and periodic crises.

### 5. THE PERSONAL FACTOR.

There remains for consideration the personal or human factor in the problem of unemployment. This may be said to be an examination of the supply side of the problem just as the foregoing analysis can be characterised as the demand side. Maladjustments arising out of the demand for labour have their origin deep down in the structure of the industrial system, in industrial fluctuations, while the character of the individual and the labour reserve constitute the problem of the unemployed.<sup>1</sup>

Though the number of the unemployed is small in normal times relatively to the whole number at work, yet there is always a percentage of unemployment in the best organised trades even at the top of the boom ; there are also large numbers of chronically unemployed workers, casual labourers, in some occupations ; and, lastly, the device of short time means that for considerable periods a large number of people suffer from unemployment without being entered on the returns.

It has been estimated that between 25 and 50 per cent. of dock labour is casual. Unemployment is chronic. This does not mean the chronic idleness of a few, nor that the typical applicant is unemployable ; nor does it mean that the reason must be sought for in the increase of population, for it is found in the rapidly growing industries as well as in the decaying ones, while the increasing productivity of labour and its increasing remuneration shows its importance in production. The explanation is to be sought in the labour reserve that tends to accumulate in modern industries, 'men who within any given period are liable to be called on some time but are not required continuously.'<sup>2</sup> The size of this reserve depends on the number of separate

<sup>1</sup> For this Section, see F. C. Mills's, Ph.D., *Contemporary Theories of Unemployment and Unemployment Relief*, 1917, U.S.A., from which the present writer has drawn valuable material.

<sup>2</sup> Beveridge, *Unemployment*, p. 102. See also Chapter V, pp. 68. *et seq.*

employers, the irregularity of business and of industry, the extent that chance plays in the hiring of the workers. The number of workers in each labour market tends to equal the maximum number in a given time added to the number at the gate, especially if the terms of the engagement be brief. If the element of chance enters, then matters become complicated and the number is swollen. When competition for employment increases, the wage tends to subsistence level or below it, causing some to withdraw. If great skill is required and if there are strong barriers to admittance into the trade or industry this reasoning is less applicable. In any occupation with a strong element of casual labour the unskilled are liable to 'constant and unlimited pressure downwards from every other grade of industry.' Sir Wm. Beveridge gives three elements in the total reserve for any occupation: the people representing the fluctuations in the total volume of work in industry as a whole; those due to friction in the labour market—out of work; those attracted and retained by the perpetual chance of work.<sup>1</sup> Every industry has its own reserve, maintained without distress by a high wage level, unemployment insurance or by elasticity of hours. Under-employment and the reduction of earnings quickly demoralise individuals and reduce them below the level of subsistence. Moreover, these people move in and out of the casual occupations where entrance is free, so that there is a close connection between under-employment even in the better trades and casual occupations.

The character of the individual suffers under this prolonged strain; when he does get wages they are quickly, and sometimes badly spent; women and children are forced into industry to help eke out the scanty wage; they may secure relief from the Guardians, and when this happens there is a danger, of course, of their dropping into the class of unemployables. The Minority Report of the Poor Law Commission accept Beveridge's view of unemployment and also the conclusion that employment in odd jobs predisposes to pauperism. Because the labour reserve is the result of a variety of causes Beveridge believed that the problem should be tackled as one of business organisation.<sup>2</sup> This it was proposed to accomplish by the organisation of the labour market through the establishment of labour exchanges, decasualisation and the absorption of the surplus of casual

<sup>1</sup> Beveridge, p. 81.

<sup>2</sup> *Ibid.*, p. 110.

labour, which, by being excluded from chance of work by the enforcement of the policy of concentration involved in decasualisation would be taken off an over-crowded market and provided for in other ways.

This view is endorsed by many other experts, also by the Majority and Minority Reports of the Poor Law Commission of 1909 and by Professor Pigou. While it is clear that irregularity of demand cannot be prevented given the industrial system as it is to-day, it is agreed that the separate reserve of labour employed by each employer could be dispensed with and a common reservoir set up in its place. This could be accomplished if the employers were to hire their labour for irregular jobs at the labour exchange. Beveridge himself favoured compulsory powers being obtained to secure this end:

‘If the thing cannot be done voluntarily, it will have to be done compulsorily. A new clause in the Factory Code, e.g. that no man should be engaged for less than a week or a month unless he were taken from a recognised labour exchange, would be a legitimate and unobjectionable extension of the principle that the State may and must proscribe conditions of employment which are disastrous to the souls and bodies of its citizens.’<sup>1</sup>

To effect this it has been urged that to decasualise dock labour would not be a very difficult task provided employers and employed would co-operate in this direction. No one should be taken on at the port unless his name appears on the register of the dock labour exchange and after consultation with the trade union. In this way there could be built up a dock labour staff, as it were. If this be done the time would become appreciably nearer for the adoption of a guaranteed week for the men on this labour staff and this might be covered in a variety of ways: by the trade union guaranteeing some quota and the employer and the State contributing their share to the trade union according to some agreed plan. The plan existing at the ports of engaging tippers through the collective contract system of the trade unions, and the payment in bulk for the lot as a whole through the union is a big step in the direction of total decasualisation of this class of labour.

What about the surplus—those who cannot be absorbed? The principle adopted here is that one man well-fed is better

<sup>1</sup> Sir Wm. Beveridge, *Contemporary Review*, April, 1908, p. 392, quoted by F. C. Mills.

than two on half rations. If inefficient, the person ought to be trained by society on some such lines as those laid down in the Minority Report and helped to find work after this training. If a definite surplus be found, then emigration on a carefully selected basis has been suggested as a partial remedy. Whatever plan be adopted, the advantage of continuing in steady employment those workers left in the industry after a process of decasualisation is admitted ; while in industries where short time becomes pronounced in periods of bad trade a minimum guaranteed week should be the immediate goal whether secured with, or without, joint insurance by the employers, the State, or on some voluntary basis.

There are 600,000 children leaving the elementary schools every year on attaining the age of fourteen. Before it will be possible to tackle the problem of the labour reserve and unemployment on the human side it is absolutely necessary to raise the school-leaving age to sixteen with maintenance and mothers' pensions ; along with this there must be technical or continuation school training for boys and girls from sixteen to eighteen. If this were done, the vicious system of taking boys into blind alley employments and keeping them until eighteen with the comparative certainty then of being replaced by another boy would be prevented, while mothers' pensions would mean the withdrawal of mothers of young children from the labour market.

All men are not born free or equal. While it is perfectly true that an improvement in the character of workers would not eliminate or affect the industrial causes of unemployment due to maladjustments in industrial fluctuation or changes in structure, yet there is a good deal more in the argument that an individual's character is going to be determined to a great extent by his environment, his opportunities and his education. Nurture will not put a brain in an individual and so enable him to become a highly efficient servant of the community. We must have nature and nurture. But, as always, nature is prolific and generous in her gifts, which are sadly wasted by our economic environment. The chances of the unskilled worker's children becoming skilled are slender ; even the skilled worker is going to find it increasingly difficult to place his children in trades. It has been found by patient investigation that not more than 50 per cent. of the skilled workers' children can be absorbed in their fathers' occupations, so this makes the future of the unskilled

workers' children very black indeed.<sup>1</sup> Apprenticeship has broken down. It is no use blinking the fact that the only preserve of the skilled engineer is now the tool shop; practically every machine, even the most complicated, can be operated by what is technically known as an unskilled person, at any rate by a worker who has not served an apprenticeship. The employers are well aware of this fact; the trade unionists who are fair to themselves must realise it too and it would be far better for the future of their members to acknowledge this fact squarely, and instead of insisting on certain rates for classes of workmen, to substitute and insist upon certain prices for working a particular class or type of machine. This policy, side by side with a vigorous prosecution of trade unionism among the unskilled, would lead to better results. There could be attached to it a demand for the human needs of labour—a guaranteed week for all workers irrespective of grades (in short, a differentiation of minimum rates of wages for each group of workers) together with the development of the collective contract idea for a definite job.

Personal defects of the worker or mental deficiencies are responsible for work-shys, criminals and vagrants. It is absurd to believe (as many people do who ought to know better) that this is the main problem. All the facts point the other way. This class of work-shys and vagrants and criminals are the 'wastage of the wage-earning class,' a reflex influence of periods of idleness being responsible for personal deficiencies very frequently. We must not forget the illuminating fact that 50 per cent. of crime directly and 70 per cent. indirectly is due to drink, and that the people who drink most are the ones who cannot afford it, or the people who have so much to spend as not to know what to do with it. The total consumption of absolute alcohol in 1922 was 53,500,000 gallons, of which 77·4 per cent. was consumed as beer, 18·1 per cent. as spirits, and 4·5 per cent. as wine, cider and perry. A drink bill of £354,000,000 in 1922 takes a lot of explanation when we remember that that year was the worst year of the post-war depression and the standard of life of our people deplorably low. Public-houses flourish where poverty is greatest. As you go up in the scale of standard of comfort, of settled incomes, and wages, public-houses become

<sup>1</sup> See E. Llewellyn Lewis, *The Children of the Unskilled* (P. S. King & Son, Ltd., 1923).

fewer and fewer among places of residence. This is not a coincidence ; it is a social fact of tremendous significance. Men of discontinuous employment drink most ; they are demoralised. They drink to forget the torture of their lives and the hopelessness. We condemn them for spending money on drink. And the paradox can be made that if we gave them more money to spend and a steady income they would drink not more, but less. When high wages oscillate with periods of idleness the descent is rapid ; personal weaknesses tend to be accentuated, so that it can be safely stated that under-employment is the most prolific cause of unemployables, and this is due to the system under which men work. The graduation into this class is completed by blind-alley employment, joined with lack of industrial training bringing about demoralisation. There are also those who fall out by the wayside, owing to sickness, accident or old age. Any personal weaknesses then become still worse, so that unemployment and individual failings perpetuate each other, and we have a vicious circle of unemployment being the cause of poverty and poverty partly the cause of unemployment. How can the circle be broken ? Not by a simple panacea, but by a long and careful scientific preparation. Either we are responsible for the social order as we find it or we are not, and ' it is the stars in their courses ' that make us go wrong. If we are responsible, and I believe we are, then we can solve the problem, but it will be a long road to travel.

Remedies for unemployment due to personal failings can be briefly summarised here.<sup>1</sup> The Minority Report of 1909 emphasised the closing of the gap—damming the stream of recruitment from the schools by industrial training or by increasing our machinery to find employment. As a result of this suggestion we have After-Care Committees, Juvenile Advisory Employment Committees, etc. The State should regularise in short the supply of labour and, as far as possible, the demand for it. Compulsory powers of registration at the exchanges and making them the sole market for the buying and selling of labour should be carried through as soon as possible. The next step would be decasualisation, so as to force the incompetent casuals out of industry. It would be possible then to give training or disciplinary treatment to the remainder. It would lead to the marking off of the

<sup>1</sup> See Mills' *Contemporary Theories of Unemployment and Unemployment Relief*, 1917, Sec. 8.

unemployables and the work-shys. There are detailed plans as to the methods to be adopted to secure these results. It is unnecessary to go into them here. One pressing problem still to be carried out is the final break-up of the Poor Law and the abolition of the Boards of Guardians on the lines of the Minority Report or on the lines of the Maclean Report.<sup>1</sup> The remarkable post-war revelations of Poplar show the deplorable state of some of our boroughs which are penalised for doing their duty to the poor, vilified with all contempt for grappling with a problem which should be tackled in a national and not in a local spirit. This problem of the relief of the unemployed is a separate problem. We are only concerned here with the causes of unemployment, not the relief of the people who are thrust out of the system of industry. It is not enough to tinker with these: the cause is deep. We must take into our consideration the fact of personal failings, but the trade responsibility for these is greater than is imagined. The prevention of casual labour from arising is the key to the problem. Certain kinds of work under eighteen should be prohibited altogether. A vigorous education policy and the closing of blind-alley occupations go together. The Trade Board System has proved itself a most formidable weapon for dealing with the unorganised industries as well as with sweating. It is along these lines and on the prosecution of a better public health system, and a better social environment, that we must look to the solution of the problem of the individual failures. The problem of the reserve of labour is therefore an industrial and a social one; the remedies are both economic and political. One approach alone will be insufficient.

J. MORGAN REES.

<sup>1</sup>*Cd.* 8917, 1918. The present Government intend to deal with Valuation and Rating in the present session, 1925.



## THE INTENTION OF PEELE'S 'OLD WIVES' TALE'

### I.

GEORGE PEELE'S drama, *The Old Wives' Tale*,<sup>1</sup> first published in 1595 and acted by the Queen's Majesty's Players probably about 1590,<sup>2</sup> is interesting for many reasons. It is an early example of the 'play within the play,' and its cleverly conceived induction shows an interest in that rustic realism that had invaded the drama, more especially in the Universities, since the days of *Gammer Gurton's Needle*. The play itself belongs to the folk-lore group. This union of a realistic background with unreal romantic elements together with a certain obscurity of plot have led to varied opinions from the critics. Collier,<sup>3</sup> Dyce and Symonds<sup>4</sup> have treated it with severity, especially the last, who rather unfairly brings it into comparison with Milton's *Comus*. Bullen<sup>5</sup> is more sympathetic. He calls it a 'charming little play' and especially commends the lyrical passages. Ward's criticism<sup>6</sup> is ambiguous. He remarks on the 'homely humour of its exordium, contrasting as it does with the labyrinthine but manifestly undesigned intricacy of its main scenes,' but later speaks of 'the fresh and sparkling induction' which with the 'flow of high spirits' atones for the 'admixture of romance dissolved in nonsense.' Clearly the critics have been uncertain of the value of the *Old Wives' Tale* as literature, yet the play gives delight. Might it be that Peele did not intend it as a straightforward representation of a folk story, but as a burlesque upon a certain type of drama, and that its faults are therefore not faults but his means of attaining his purpose?

<sup>1</sup> Edited frequently: Bullen, *Works of Peele*, vol. I; Gayley, *Representative English Comedies*, I; Greg, *Malone Society Reprints*, etc.

<sup>2</sup> See Greg, *op. cit.* introd.; and Fleay, *Biog. Chron.* II.

<sup>3</sup> *Annals of the Stage*, III, p. 197. See Gayley, *op. cit.* p. 346.

<sup>4</sup> *Predecessors of Shakespeare*, p. 566.

<sup>5</sup> *The Works of George Peele*, 1888. Vol. I, p. xxxvii ff.

<sup>6</sup> *English Dramatic Literature*, ed. 1898, pp. 372, 373.

Such was the point of view suggested by the late Professor Gummere.<sup>1</sup> *The Old Wives' Tale*, he tells us, is a new thing in comedy, depending on the contrast between the romantic plot and the realistic diction, between the induction and the pretences of the plot. Gummere indeed has but gently hinted at such a quality in the play, 'a comedy of comedies, a saucy challenge of romance, where art turns, however timidly, upon itself,' and has seen it rather as a pervading quality than a purpose wrought into structure and dialogue with thorough conviction. Later critics, however, have unanimously followed him and emphasised the point that Peele was making a deliberate satire on the romantic plays which were popular at that time. Thus Professor Schelling<sup>2</sup> characterises the play as a humorous, not satirical, treatment of 'the elements current in the extravagant heroical romance,' adding that 'it is likely that many a solemn contemporary of roguish George mistook his delicate irony for the grim heroics of fantastic romance.' Professor Baker<sup>3</sup> notes as its chief merit 'its clever satire on such romantic plays as *Common Conditions*,' and calls it 'in respect of its satire, a fit predecessor of the *Knight of the Burning Pestle*' and 'the first English play of dramatic criticism.' Professor Tucker Brooke<sup>4</sup> is equally decisive on the point. He lists the play among 'Travesties of Heroic Plays,' and states that

'the attitude of progressive and educated opinion toward the old play of chivalrous romance during the last ten years of the sixteenth century is expressed in the exquisite satire of the type in Peele's *Old Wives' Tale*, while in Beaumont's later *Knight of the Burning Pestle* . . . the ridicule is yet sharper.'

Of the presence of a certain sense of humour in Peele's drama there can be no doubt. It is almost certain that in the last analysis this quality is due to the 'joining of realism and romance,' or, to put it in another way, to the fact that the story is not taken quite seriously. But to go further than this and state that Peele consciously put together incongruous elements, for the purpose of burlesquing, however 'subtly' or 'delicately,' the contemporaneous plays of romance, is surely doubtful and in need of some scrutiny.

<sup>1</sup> In Gayley, *Representative English Comedies*, I, p. 337 f., 341-7.

<sup>2</sup> *The Elizabethan Drama*, p. 201.

<sup>3</sup> *Cambridge History of English Literature*, vol. V, pp. 145-6.

<sup>4</sup> *The Tudor Drama*. See pp. 242, 254, 278-9.

## II. THE POPULAR DRAMA OF 'HEROIC ROMANCE'

*The Old Wives' Tale* is a concrete representation of a tale told by the cottage hearth to while the night away. Partly on account of its folkloristic character, partly for other reasons, as we shall see later, it has been brought into relation with those romantic plays that were based on 'the old medieval tales of heroic exploit and interminable adventure.'<sup>1</sup> Both Professor Schelling and Dr. Murch<sup>2</sup> have shown how popular were these stories in Elizabethan England, a popularity that was partly a decadent heritage from the Middle Ages, but was also in large measure a revival heralded much earlier by the printing of the *Morte d'Arthur* and Geoffrey of Monmouth's *Historia*. Neither was such literature popular only amongst the less educated, as Dr. Murch supposes, for Spenser did not disdain to use this material to glorify the Queen and praise the godly life. The *Arcadia*,<sup>3</sup> too, surely bears the marks of the romance as much as of the pastoral. Names of plays presented at Court, too, point to the popularity of this same material.

While these plays vary a good deal in their working out, they seem to agree in representing the valorous doings of wandering knights, always with the ultimate aim of winning a fair lady's hand. Some of the plays that might be included in this class need not be considered in this connection. *Appius and Virginia*,<sup>4</sup> for instance, agrees in style with the rest of the plays, and its subject is 'medieval' and sufficiently improbable, but it is too domestic in character to be brought into comparison with the *Old Wives' Tale*. *Fair Em*<sup>5</sup> belongs rather to the class of plays which combine an historical with a pastoral plot. *Mucedorus*<sup>6</sup> has some of the characteristics of the type, adventures against a bear in a forest, and later against a cannibalistic wild man of the woods from whom the hero saves the princess,<sup>7</sup> but fundamentally it approaches more closely the later romantic type of

<sup>1</sup> Schelling, *The Elizabethan Drama*, Chap. V, p. 193 ff.

<sup>2</sup> *The Knight of the Burning Pestle*, ed. Murch (1908).

<sup>3</sup> See, e.g.: Bk. I, xvii, xix; II, ix, xiv, xxi, xxiii; III, xv, xvi, xviii—accounts of tournaments and of fights against animals and giants and disguised knights. Several chapters, too, speak of love very much in the style of the *matière de Rome* romances.

<sup>4</sup> Ed. J. S. Farmer, *Five Anonymous Plays*, 4th Series.

<sup>5</sup> Printed by R. Simpson, *The School of Shakespeare*, p. 337 ff.

<sup>6</sup> Dodsley, *Old Plays*, ed. Hazlitt, vol. VII; *Students' Facsimile* edition.

<sup>7</sup> This seems like a late variation of the giant of the romance.

princes who disguise themselves as shepherds and win the princess by deeds of valour. In the *Dumb Knight*,<sup>1</sup> a play written later than Peele's, the only truly romantic incidents are the winning of the Queen by tournament and the vow placed on the Knight not to speak; the rest of the play is made up of intrigue with a suggestion of Machiavellian motifs. The heroic drama proper includes before 1600 *Sir Clyomon and Sir Clamydes*,<sup>2</sup> *Common Conditions*,<sup>3</sup> Greene's *Orlando Furioso*,<sup>4</sup> and *Charlemagne or the Distracted Emperor*.<sup>5</sup> Certain common elements found in the earliest of these plays are to be seen in a group of moralities, the three plays of the marriage of Wit and Science.<sup>6</sup> The second of the group is perhaps the clearest example. In order to win Science for his bride, Wit must slay the monster Tediousness, which 'lurketh in the wood hereby,' 'devouring those that sue to her.' In the first encounter Wit is 'left dead' by the monster, but at the second attempt (in the third play with the help of Wisdom's sword) he slays the giant. The situation in *Sir Clyomon and Sir Clamydes*<sup>7</sup> is but an elaborated form of this. Clamydes, Prince of Suavia, in order to win Juliana the Princess of Denmark, must kill the dragon in the Forest of Strange Marvels. The matter is complicated by the entry of Sir Clyomon, Juliana's brother, who steps in and forces the enmity of Clamydes by taking away his knighthood. They arrange to fight at Alexander's camp. Meanwhile Clamydes slays the dragon, but his spoil is taken from him through the magic of the false knight Sansfoy, and himself is cast into prison. Clyomon is shipwrecked and cured by Meronis, daughter of the Queen of the Strange Marshes. He falls in love with her, but has to leave in order to find Clamydes. Meronis is carried away by the King of Norway, but escapes and

<sup>1</sup> Dodsley, *Old Plays*, ed. Hazlitt, vol. X. Date is 1607.

<sup>2</sup> Bullen, *Works of Peele*, II, p. 87 ff.

<sup>3</sup> J. S. Farmer, *Five Anonymous Plays*, 4th Series (C. E. Dram. Soc.). Tucker Brooke, *Yale Elizabethan Club Reprints*, I.

<sup>4</sup> Ed. McKerrow, *Malone Society Reprints*, vol. 4 (1907)

<sup>5</sup> Bullen, *Old English Plays*, III, p. 161 ff.

<sup>6</sup> (a) John Redford, *The Play of Wyt and Science*, ed. J. M. Manly, *Specimens of the Pre-Shakesperean Drama*, I, p. 421 ff. (b) *The Marriage of Wit and Science*, ed. J. S. Farmer, *Five Anonymous Plays*, 4th Series, p. 47 ff. (c) *Contract of Marriage between Wit and Wisdom*, ed. J. S. Farmer, *op. cit.* p. 257 ff.

<sup>7</sup> This play was for a time attributed to Peele. Professor Kittredge has shown (*Journal of English and Germanic Philology*, III) that it is probably by Preston.

disguises herself as a shepherd. Clyomon kills the King of Norway, takes Meronis as his squire, and goes to defend her mother's right to the Isle, her father having died of grief. Clamydes is the champion of the wicked uncle, the queen's brother. Alexander settles matters without the necessity of a duel. Clyomon and Clamydes go together to the court of Denmark, Meronis still accompanying the former. There the false Sansfoy is unmasked, Meronis casts off her disguise and the couples are married. To this medley of romantic motifs are added certain extraneous scenes. A coarsely realistic shepherd scene, little more than a monologue, is introduced. Subtle Shift, who becomes servant to Clyomon, then to Clamydes, is a descendant of those comic characters in the late moralities that frequently take on disguises combined with the tricky servants of the classical comedies. Sansfoy, while he is the enchanter of romance in the situation, and has a parallel in *Tristan*, is far more the braggart warrior in his behaviour. While these two characters are necessary to the plot of the play, they are outside the romantic atmosphere and form the comic relief.

The ingredients in *Common Conditions* are somewhat similar, although one is reminded more strongly of the Arcadian type of story. Sedmond and Clarisia are found lost in a wood ; they are attacked by tinkers ; Sedmond escapes and his sister is saved by the ingenuity of her servant Conditions. Lamphedon, son of the Duke of Phrygia, appears ; he is in love with Clarisia, meets her and marries her. Sabia is in love with Momides, who spurns her ; her father, a doctor, discovers the state of her feelings. Meanwhile, Lamphedon and Clarisia, through the wiles of Conditions, have been put on board a pirate ship, and then cast adrift. Clarisia finds hospitality at the house of Leostines, and adopts the name of Metrea. Momides falls in love with her, but she refuses him. In seeking Clarisia, Lamphedon fights and overcomes the giant Cardolus, and sets free all his captives. In the fragment which is printed, this is the only thoroughly 'heroic' element in the play, but the style relegates it to this class of drama. The servant Conditions and the pirate scene add comic effect of a Plautine character ; the opening tinkers' scene gives a realistic touch.

Greene used more definite romance material than this in the *Orlando Furioso* in combination with a love element and accompaniments in the form of a jealous man's intrigue and the lover's

madness, which are no part of the romance, or only in a thoroughly decadent form. Professor Gayley suggests that this play is also a burlesque of the 'heroic romance.'<sup>1</sup> Without entering into that question, one may say at once that Greene's play is neither typical of the 'heroic romances' nor to be classed with the *Old Wives' Tale*.

It is otherwise with one of the latest and most notorious of the type, Thomas Heywood's *The Four Prentices of London*,<sup>2</sup> the occasion of Beaumont and Fletcher's scourging of the whole class in the *Knight of the Burning Pestle*. This play is based on one of the 'Eustace' stories. It depicts a father going on a pilgrimage to Jerusalem, leaving four sons and a daughter in England. The sons decide to go to war, the daughter disguises herself and follows them. A shipwreck scatters the sons to different parts of the world, they meet but do not know each other, and consequently many strange situations ensue. Finally all meet and are recipients of great honours. The play is chock-full of the wildest adventures in barbarous lands; the most impossible incidents happen, and the structure is unbelievably crude for the time and the author. For that very reason, however, it gives us a true insight into the kind of plays which should be called 'heroic romances.' A glance at the titles of other plays acted, most of them now lost, reveals that they were probably of the same character.<sup>3</sup> The hero, or heroes, travels in far and marvellous lands—the further and the stranger the better. He fights strong opponents; in the normal and early form, he overcomes a giant or a magician or a monstrous animal, generally in order to win a fair lady for his wife or to release her from captivity. The women as well as the men may be found wandering, disguised or otherwise, in forests and over seas or acting as squires to the hero. The plot—if one may call plot anything so formless as these romance plays—is mainly made up of these adventures of the hero, and of the heroine if she be of the wandering type. The style

<sup>1</sup> Gayley's *Representative English Comedies*, I, p. 410.

<sup>2</sup> *The Dramatic Works of Thomas Heywood* (London, 1874), Vol. II, p. 159 ff. Printed 1615, but probably acted in 1594. See Fleay, I, 282; *Cambridge History of English Literature*, VI, p. 101.

<sup>3</sup> One notes among early Court plays: *Herpetulus the Blew Knight*; *The Red Knight*; *The Solitary Knight*; *The Knight of the Burning Rock* and *Huon of Bordeaux*. Later one finds the popular plays—*The Four Sons of Aymon*; *Tristram de Lyons*; *Godfrey of Boulogne*; *Sir Placidus*. See Schelling and Murch, *op. cit.*

is high-flown and self-conscious, especially in the scenes of love, whether monologues or dialogues. Comic scenes are included, sometimes as essential parts of the main plot, either in the form of conventional types of comic character or as realistic pictures of low life. These scenes, however, are by no means peculiar to the 'heroic' drama.

### III. THE MATERIAL OF 'THE OLD WIVES' TALE'

*The Old Wives' Tale* may be classified with the romantic plays in respect of its plot, for it is made up of numerous folk-lore motifs. The central story may be described as a combination of the Grateful Dead and the Childe Roland themes. The action begins with the latter, the story of the maiden carried away by the wicked enchanter and rescued, in the fairy-tale by her youngest brother, in the drama by the 'wandering knight' who loves her.<sup>1</sup> In both story and play the maiden's two brothers have sought her and have been enchanted or forced to work and imprisoned. In both, too, a certain method has to be observed to overcome the giant, though the means are by no means similar in the two. The Grateful Dead theme in the play is, as Professor Gerould has shown,<sup>2</sup> of the group in which the simple *motif* of the knight rewarded for seeing about a man's burial is united to the Poison Maiden and the Lady and the Monster stories. The former is preserved only in the detail at the end, where the Ghost claims as the promised half of all that the Knight wins, half of his bride.<sup>3</sup> The latter is seen in the element of 'the hero's success in winning an enchanted princess either by accomplishing difficult feats or answering riddles.' The very definite suggestion of the 'life-index,' by which the enchanter could only be killed under certain conditions, although a common accompaniment of giant and enchanter tales in general, belongs to this type, as is shown, for example, in the story of *Jack the Giant Killer*.<sup>4</sup> In the play, the invisibility of the Ghost

<sup>1</sup> A type version is to be found in Joseph Jacobs, *English Fairy Tales*, p. 122.

<sup>2</sup> G. H. Gerould, *The Grateful Dead*, Folk Lore Society Publications, LX (1907), especially chaps. III, IV, VI. In Chap. I, Prof. Gerould reviews previous work on the subject.

See also Gummere, *op. cit.* p. 345 ff. and footnotes to the play.

<sup>3</sup> This form is seen in the English romance *Sir Amadace*, which does not, however, belong to the form in which Peele knew the story.

<sup>4</sup> Jacobs, *op. cit.* p. 102.

while killing the enchanter is paralleled in the folk story. Professor Gerould remarks that 'the adventures of Delia, Eumenides and Jack are all that really concern us'<sup>1</sup> in the play in relation to the Grateful Dead. It is very likely, however, that Peele knew the story in a form in which it was united to the Childe Roland theme. Two considerations make this likely. In the first place, Erestus belongs to the Childe Roland tale, but in the play he is more closely connected with the Grateful Dead; also, the two stories have been organically united at just the point where they would become united of themselves,<sup>2</sup> namely in the enchanted maiden who has to be rescued by brother or by ghost grateful to the knight who will marry her.<sup>3</sup>

It is otherwise with the rest of the folk-lore in this truly marvellous conglomerate. The turning of Erestus into a bear in the night and an old man in the day, is not foreign to folk-lore, although it is commoner to find the wolf than the bear, and a wicked wife or stepmother oftenest does the conjuring.<sup>4</sup> Enchanted men and women frequently helped the hero to quell the magician or whatever caused the spell,<sup>5</sup> and the union of the stories possibly took place here at this point, while his wife's madness is very probably due to some old popular catch concerning one 'that's neither wife, widow nor maid.' It is to be noted, too, that her appearance to break the light, and the disenchanting of herself and Erestus are brought about by the winding of a horn, another common element in stories of disenchantment, and often found in the Medieval romances.<sup>6</sup> They are cleverly united to the main theme, but one feels that it is the kind of union that has been produced by a literary workman rather than the kind that has grown from the story itself.

As for the part of Huanebango and Corebus and the two daughters who find their husbands by means of the wishing-well, their connection with the main story is of the frailest. Huanebango is going to kill the magician and is consequently punished with

<sup>1</sup> *Op. cit.* p. 72.

<sup>2</sup> This is Professor Gerould's own very reasonable criterion of the folk union of two or more stories. See *op. cit.* p. 173.

<sup>3</sup> A further common factor in the two stories is the 'life-index,' but this would not have united them, as it is not an organic part of either theme.

<sup>4</sup> See Kittredge, *Arthur and Gorlagon* (Harvard Notes and Studies).

<sup>5</sup> See Kittredge, *Gawain the Green Knight*, 200 ff. etc.

<sup>6</sup> *E.g.*, the incident of the *Joie de la Cort* in Chrétien's *Érec*.

deafness and a cross wife, while the father of Zantippa and Celanta is advised by Erestus how his daughters may be married off. The method of seeking their husbands at the well is the folk-tale of the Three Heads of the Well,<sup>1</sup> from which is also taken the detail of Huanebango's refusal and Corebus's giving of the cake to Erestus.<sup>2</sup> The episode is given a folkloristic character<sup>3</sup> so that it does not clash with the atmosphere of the rest of the play, although it forms a contrast to it. It can, however, be omitted without impairing in any way the unity of the main plot. It is useful in that it adds to the impression of the magician's power, and also brings Erestus into greater prominence. But undoubtedly Peele added it himself.

#### IV. COMPARISON WITH THE HEROIC PLAYS

Now, how far may a play composed thus of such materials be regarded as a satire upon the heroic drama based upon romance? One's first impression certainly is to deny it that character. One expects exaggeration in burlesque, and *The Old Wives' Tale* is more reasonable, tamer in every way, than the heroic romances. Except technically it seems indeed to have little enough in common with them. The material of 'disguised women seeking their lords or lovers, of adventure by flood and field' of which Professor Baker says 'Peele was already making fun' is not to be found in it.<sup>4</sup> There are to be sure, an enchanter and a princess who is freed from his spells by the knight-errant Eumenides. But we have seen that this material belongs equally to popular tales. In the setting in which it is found here it belongs more nearly to the people, for the hero has no heroic adventures on his way, nor a battle-royal with the enchanter when he arrives. One of his adventures, his encounter with the unburied Jack and his reward from the Ghost, is indeed the subject of a Middle English romance; this, however, is a case where romance is very close to folklore, and *Sir Amadace* has a background of tournament and knightly enterprise which effectually removes it from Madge's story. The

<sup>1</sup> Jacobs, *op. cit.* p. 232.

<sup>2</sup> Gummere, *op. cit.* p. 362 n., suggests that this comes from *The Red Ettin*, but the other is more likely here.

<sup>3</sup> As, e.g., the *Fee fo fum* formula of Huanebango, and the terrifying consequences of breaking the pitcher. For the significance of Huanebango's part, see below.

<sup>4</sup> *Cambridge History of English Literature*, V, p. 155.

action of the play is not even situated in any strange land, neither Palestine nor Phrygia nor an Isle of Strange Marshes. Erestus is the 'White Bear of England's Wood'; Jack's Ghost is quarrelled over by a very English crowd of yokels, and one is quite surprised at the end when even Eumenides says that he will take away Delia 'to Thessaly.' Compared with *Sir Clamydes* or *Common Conditions*, Peele's drama is unified and remarkably devoid of absurdities.

This homeliness of the surroundings and the realism of the style have been taken, however, as a proof of the dramatist's conscious effort to 'turn romance back upon itself' and, further, to burlesque the romance plays.<sup>1</sup> I believe, however, that a study of Peele's style in this play reveals an entirely different fact. Peele has given us, not the high-flowing tale of romantic adventure but the familiar nursery tale, and he has used something of the style as well as the material of the old wife. Bullen, in his edition of *The Old Wives' Tale*, noticed this trait in the case of some of the lyrics, the Harvesters' songs, the words of the heads in the well, and Sacrapant's grace at the table, 'Spred, table, spred.' The best example of this style, however, is found in the White Bear scenes, the first of which (ll. 128 ff.) is an excellent example of the more poetic type of nursery tale. Even the blank verse, habitually used by the brothers and Eumenides, is contrived to give something of the desired effect, as may be seen in the repetition (of lines 119 ff.)—

'To seeke our sister, to seeke faire Delya forth,  
Yet cannot we so much as heare of hir.'

Even the realistic parts, the grave scene especially, are no exception to this. The quarrelsome conversation concerning the oft-mentioned 'Jack' is in a manner that is by no means absent from folk-tales, though in Peele's hands, and, possibly, under

<sup>1</sup> This realism is not to be confused with that found in another class of plays, the descendants of the ballads such as the *Robin Hood* plays (ed. Manly, *Specimens*, I, p. 279 ff.) or *George-a-Greene* (ed. Students' Facs. Ed. vol. 46. Attributed to Greene, but probably not his), for these are fundamentally realistic. It is not likely that a king ever really had to put down his staff in Wakefield, or that rebels were overcome by the ruse and the strong right arm of one of the king's loyal subjects—but it could have happened, and the treatment is affected by that.

*Passim* one notes Peele's interest in such material as shown by the Robin Hood scenes in *Edward I.*

the influence of the realistic comedies, the quarrel is considerably more elaborate than, for example, in *Jack the Giant Killer*.

One or two minor elements perhaps are worthy of discussion. One need not delay over the somewhat crude method of introducing persons, as—

‘ Upon these chalkie cliffs of Albion  
We are arrived now with tedious toile ’ (119 ff.)

or Erestus—

‘ Here sit now and to thy selfe relate  
The hard mishap of thy most wretched state ’ (l. 162 ff.)

except to note that the drama is yet young in its technique. Many examples of this crudity are found throughout Elizabethan drama, and in Peele's own works too,<sup>1</sup> although his method as a rule is to reveal identity by means of a second person.<sup>2</sup> It is a manner frequently found in the romance plays, but it was by no means characteristic only of them. The final willingness of Eumenides to divide Delia has been cited as a travesty of ‘ the hackneyed theme of magnanimity in love,’ as found in the *Merry Devil*, *Campaspe*, *Frier Bacon*, *The Two Gentlemen of Verona* and elsewhere.<sup>3</sup> One might reply here again that the situation is in nowise parallel, but that it is more effective to point out that the dividing of ‘ what he gets ’ is an essential part of the bargain between the Ghost and Eumenides in this form of the story. And, again, the form of Eumenides' acquiescence has the ingenuous, somewhat inevitable note of the nursery tale ‘ Well, ere I will falsifie my worde unto my friend, take her all ; heere Jack, I'll give her thee.’ (l. 847.)

The case of Huanebango and Corebus is somewhat different. There is undoubted ridicule here, cast directly at the poet Harvey and his pedantic learning and versification. Huanebango is represented primarily as the braggart soldier while Corebus is the traditional foolish companion of such a man.<sup>4</sup> The conventional boasting of Huanebango is given a particular romantic

<sup>1</sup> E.g., *The Arraignment of Paris*, III, i. 108 ff. ; *Edward I*, ii. 1 ff.

<sup>2</sup> As in *The Old Wives' Tale*, l. 182, where the Old Man reveals Venelyas.

<sup>3</sup> Tucker Brooke, *op. cit.* p. 278 f. Further examples of devoted friendship are found in *Fair Em* and in Greene's novel, *Tullie's Love*.

<sup>4</sup> Thersytes, in the play of that name, is one of the earliest examples in English drama. The hero there is not a satire of the romance heroes as Dr. Murch (*op. cit.*) suggests, but simply the *miles gloriosus*.

flavour, however. He does not threaten to kill all and sundry, but specifically the conjurer who has enchanted Delia, and he exaggerates what he must do very much in the vein of the sixteenth-century romances. To win Delia he must seek his fortune 'among brassen gates, enchanted towers, fire and brimstone, thunder and lightning,' must tame monsters, achieve labours, absolve riddles, loose enchantments, murder magic and kill conjuring. It is more likely, however, that the fun consisted in the fact that Huanebango boasted all this than in the substance of the boasting, that he is in fact a parallel to Sansfoy in *Sir Clyomon and Sir Clamydes*. In any case, he is a comic addition to the play, and if he is intended to be a satire on the romance it by no means follows that the play as a whole has any such purpose.

There remains the question of the 'induction.' For the main story is presented within a real framework of an old wife's tale. Three jovial young men are found wandering at night in a wood by Clunch the smith and are taken to his cottage. After a short vivid scene it is decided that the old wife, Madge, shall tell 'a merry winter's tale,' the kind of tale as one of the young men says 'when I was a little one you might have drawne mee a mile after you with such a discourse.' While Madge is reciting in a confused, truly 'old wife's' manner the actors appear to represent her story. Madge and her auditors remain as spectators of the action, occasionally passing remarks upon the characters or the incidents.

If it be allowed that Peele was aiming at a consistent 'fairy-tale style' in presenting the main episodes, the induction is easily explained as his method of emphasising that purpose. This is surely a more reasonable view than Gummere's, who sees the device as 'an appeal to a sense of humour awakened by the interplay of theme and treatment,' an aid to burlesque in fact and so a forerunner of the Induction to *The Knight of the Burning Pestle*.<sup>1</sup> It is unnecessary to regard the scene in the wood as separate from the cottage scene; Madge must have an audience, and it was typical of Elizabethan method to represent a scene from the very beginning. The induction thus falls into the same class as that employed by Greene in *James IV*<sup>2</sup> and *Alphonsus*

<sup>1</sup> For the use of inductions, see Schwab, *Das Schauspiel im Schauspiel*. He does not note the *Old Wives' Tale*.

<sup>2</sup> Fleay holds this opinion. See the *Biographical Chronicle*, I, 266.

or in the old *Taming of the Shrew*. It acts as a prologue giving the main outlines of the story, and afterwards as a chorus commenting on the action and explaining it. One may cavil at the technical fault of requiring an explanation, but it was common enough in Elizabethan plays long after Peele's time, while Peele himself employs it to a far greater extent in *David and Bethsabe*. Were the play a burlesque, one might expect some criticism from the two listeners, but in point of fact, they make but two remarks of that kind, and those two are sympathetic to the main idea of the tale. When Jack has been buried, Fantastic remarks (l. 495) 'But hark you, gammer, me thinks this Jack bore a great sway in the parish,' a remark repeated by Frolic at the close; and as a comment on Huanebango, Fantastic says 'Me thinks the Conjurer should put the foole into a jugling boxe'—both remarks that any child listening to the story would heartily endorse. The induction is in perfect harmony with the spirit of the play, and far more successful in that respect than the Oberon prologue to *James IV* as well as more charming in itself. And nothing could be more suitable than the end, where Madge seems to have been asleep, and wakes up to make a summary of the end of the tale. The plotting,<sup>1</sup> confused and sometimes jumbled, serves the same purpose, probably more on account of the nature of the material than from any deliberation on Peele's own part. The whole is as if the playwright should say, 'This is a plain country story. Listen to it and then take your bread and cheese and go your way.' Or one may prefer to find the key-note in the words which have already been quoted in which the young men ask for a story.

If this be satire, it is fine and delicate indeed—too well concealed, indeed, until recent critics came to unveil it. But not thus subtly did the Elizabethans generally prepare their shafts. There is no mistaking the intention of Shakespeare when he is poking fun at rustic plays in *A Midsummer Night's Dream*. No one could fail to realise that Ben Jonson, cleverest and most reticent of the Elizabethans, was burlesquing the love-making of the romances in *Every Man Out of his Humour*.<sup>2</sup> The most famous example of all, *The Knight of the Burning Pestle*, exaggerates without stint the incoherence and absurdity of the heroic plays, and makes its intention doubly sure by an induction

<sup>1</sup> Gummere notes this, *op. cit.* p. 344.

<sup>2</sup> Puntalvo's love-making to his wife, II, i.

and comments so realistic that their contrast with the romanticism of the main plot is almost crude. The fact is that exquisite irony, or a gentle 'turning back of art upon itself,' are not characteristic of this age of men of action. Directness was required in art, 'the play's the thing,' and moreover the story in the play. In Peele's own time it was the more necessary to burlesque with exaggeration if at all inasmuch as his audience was far more likely to appreciate romance than otherwise. And University man though he was, one must credit him with knowing his own generations and being truly of it.

## V. CONCLUSION

Of course there would have been nothing improbable if Peele had written a satire of the heroic romances. Nashe speaks contemptuously of the long prose romances in his *Anatomic of Absurdities* (1589)<sup>1</sup> and Sir Philip Sidney criticises the formlessness of English plays in his *Defense of Poesie*. We have already seen how a decade later Jonson and Beaumont and Fletcher were scourging the type. Peele, too, was a University man, and might be expected to have a conscious sense of his art, influenced by the laws of Greek and Roman drama. But he came too early for this influence to have full sway. When Peele was writing plays, the various threads of the drama, mystery and miracle plays, classical and Renaissance material both comic and tragic, native and heroic chronicle and homespun realism, were being sorted and straightened out. Peele, who seems to have turned to drama more because it was the fashion than because it was his natural medium, hesitated between the different types. The smallest computation of his plays includes a miracle play (*David and Bethsabe*); a chronicle history (*Edward I*), a pastoral based on a classical myth (*The Araynement of Paris*), a masque (*The Hunting of Cupid*), and a heroic play somewhat in the Tamburlaine manner (*The Battell of Alcazar*). In his treatment of these types, Peele displays a certain amount of regard for the limitations and the possibilities of his art, but in no case does he mark any striking development. *David and Bethsabe* is distinguished from its predecessors by its poetic quality rather than by any advance in technique; the use of the chorus to bridge scenes and the long scene of Absalom's

<sup>1</sup> There is a suggestion of contempt, too, in his mention of the *Green Knight* in his *Lenten Stufte*. *Works*, ed. McKerrow, vol. III, p. 220.

death are sufficient proof of this. *Edward I* is a badly plotted chronicle play. It succeeds fairly well in characterisation as does also *David and Bethsabe*. But Peele's delight was in depicting scenes of fancy with a perfectly adequate command of suitable language. For subjects for such compositions it was usual to go to Classical mythology. Peele in the *Old Wives' Tale* sought his matter in the myths of the English country-side, and is a forerunner of the creator of Titania and Oberon.<sup>1</sup> The difference is in the fact that Peele, surely, aimed at harmony between the play and its framework. The nearest parallel to his mood is in Sir Philip Sidney's *Arcadia*, where the uncouth Mopsa tells of the marriage and disappearance of the fairy knight. Mopsa, too, uses the narrative manner of the country-side, 'she tumbled into her matter' and was cut off at the end because her tale threatened to become too long. But on the whole Sidney's story is closer to the romances than Peele's.<sup>2</sup>

*The Old Wives' Tale*, then, is just what it purports to be, a straightforward representation of a folk-tale. Story, detail and scenery combine to give it a quaint charm and the admixture of romance and realism which is the true characteristic of the folk-tale. The framework adds to its beauty of setting, and at the same time clearly defines its character and intention. In common with his fellow playwrights from the Universities Peele chose a realistic *milieu* instead of the trappings of romantic heroes—but he took his country-side seriously and clothed it in beauty.

GWENAN JONES.

<sup>1</sup> Peele's *forte* seems to have been the writing of masques, a significant fact if this view of *The Old Wives' Tale* as a work of fancy is correct. Possibly Nashe meant something like this when he described Peele as the 'chief supporter of plesance now living.' (Preface to Greene's *Menaphon*.)

<sup>2</sup> Book 2, Chap. 14. It begins: 'In time past (sayd she) there was a king the mightiest man in all his country, that had by his wife the fairest daughter that ever did eate pappe. Now this king . . .'

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## THE TRAGEDY OF THE CONVENTIONAL WOMAN; DEIANEIRA

THE exact date of the *Trachiniae* of Sophokles is unknown, and we can say only approximately when he may be supposed to have written it. Jebb<sup>1</sup> puts it somewhere between 420 and 410 B.C., and few are likely to quarrel seriously with this, for nothing in the style indicates either a very early or a very late date for it. Taking Jebb's estimate as about right, then, the play is at least ten years younger than the *Medea* of Euripides (431), eight years or more younger than the *Hippolytus* (428), probably earlier than, or about contemporary with, the *Electra* (412), and pretty certainly earlier than the *Orestes* (408). The tragedy, therefore, was written in the middle of Euripides' career, and at a time when the Athenian public was familiar with his female characters.

It need not now be argued that Euripides was no woman-hater; that ancient scandal has long been put out of court by modern analyses of his plays.<sup>2</sup> But it is very clear that if there was one female type which interested him more than another, it was what each age in turn calls the 'modern' woman, and generally regards with great concern as a sign of its own degeneration. The typical Euripidean heroine is an individualist, who, while often tender and compassionate towards others, strongly asserts her own rights, and is ready, on occasion, to break through all restraints of convention in order to uphold them. Medeia, wronged past bearing by Jason, turns on him, on her rival, his new bride, and finally on her own children, because, much though she herself loves them, their death will fall yet harder on Jason, who is thus left heirless. Phaidra, in the earlier version of the *Hippolytus*, seems to have been a reckless lover, who set wifely fidelity and everything else at defiance to

<sup>1</sup> *Sophocles*, Vol. V (*The Trachiniae*), Introd. p. xxiii.

<sup>2</sup> The remarks of Laurand (*Manuel des ét gr. et lat.*, II, 228 B2) are hopelessly reactionary.

## 2 THE TRAGEDY OF THE CONVENTIONAL WOMAN

satisfy her passion ; in the extant play, although it is her modesty which brings about her death, she is still passionate enough in all conscience, and appears to have shocked not a few of the more conventional. Elektra is hate incarnate, and also has ten times the intellect and force of character possessed by her brother, in both the plays in which she appears. It is no wonder, then, that Sophokles should be thought to have felt the influence of Euripides in more than one detail of his play,<sup>1</sup> and that he obviously spent much time and care over the character of his heroine.

‘A smaller poet,’ says Prof. Gilbert Norwood, ‘would have made her haughty or abject, revengeful or contemptible ; Sophocles has portrayed a noble lady, who will bend, but not kneel. Her interview with Iole and the later conversations in which first she excuses her husband and then on reflection finds that she cannot share his home with the new-comer—these scenes, painted with quiet mastery, are the greatest work of Sophocles in the portraiture of women.’

This essay is in part little but an expansion of the above short criticism ; it adds, however, a further point, and one which I think important ; Deianeira is indeed a noble lady, but one of conventional character, and it is her conventionality which brings about the catastrophe. Euripides, somewhere about the same time, had shown what ills can arise about a conventionally good woman, when confronted with an unscrupulous rival, if she is herself utterly devoid of tact. The date of the play in which she appears, the *Andromache*, is 420. I am not disinclined to believe that Sophokles had it in mind, and is quietly showing his clever but inferior rival that conventional virtue in itself has in it depths and possibilities of disaster greater than he had dreamed of.

The play starts some twenty years or more after the marriage of Deianeira to Herakles ; a perfectly conventional, traditional Herakles, with no doubts of his divine parentage, no rationalisation of his adventures, no smoothing away of the non-moral features of his character. He is the strong, lusty hero whom every man admires and no woman can resist. Deianeira, although she has been his wife so long, has seen comparatively little of him. ‘Children were born to us,’ she complains, ‘whom he has seen only as the husbandman sees his distant field, which he visits at

<sup>1</sup> Norwood, *Greek Tragedy*, p. 159 ; the following quotation is from the same page.

seedtime, and once again at harvest.' <sup>1</sup> He is perpetually away on one adventure or another, and now he is gone on that adventure which will, as they both hope, be his last, as indeed it turns out to be. He has slain Iphitos, and so must wander as an exile for a space. Hyllos, their eldest son, is confident <sup>2</sup> that his father's luck will hold; Deianeira herself is not so sure. The time during which he is expected to be absent, fifteen months, is now passed, and she hears that he is waging war in Euboea, which renews her anxieties, for he has left her an oracle to the effect that in Euboea he should find either death or permanent happiness. She therefore sends Hyllos to enquire after his father.

During her son's absence, which is probably meant to occupy some two or three days,<sup>3</sup> Deianeira is once more a prey to the most acute anxiety. As she explains to the Chorus, she knows that this is the crisis of Herakles' life, and that he himself plainly realised the gravity of it when he left her. The bare thought of the possibility of widowhood, and widowhood after a marriage with so noble a husband, is more than she can bear, and the imagination of it breaks her sleep.<sup>4</sup> One would suppose, then, that Herakles was a model husband; as a matter of fact, he is no such thing. His infidelities to Deianeira have been wholesale, and she knows it,<sup>5</sup> and accepts them as a natural consequence of her position. The idea of revenging herself, in any way, on him or on her rivals, is abhorrent to her.<sup>6</sup> In this, she is simply the conventional Greek wife of epic and Attic tradition. Penelope is told as a matter of course about Odysseus' adventures, amorous and otherwise, with Kirke and Kalypso <sup>7</sup>; Andromache, in a speech of insufferable conceit which drives the hotter-tempered Hermione nearly mad, boasts that in her affection for Hektor she often used to suckle his bastard children.<sup>8</sup> In this play, Lichas, on hearing that Deianeira intends no harm to her latest rival, Iole, is much pleased and commends her reasonable and pious conduct warmly (*ἐπεὶ σε μανθάνω θνητὴν φρονοῦσαν θνητὰ κοῦκ ἀγνώμονα*),<sup>9</sup> and the Chorus falls into reflections on the mighty power of the Love-Goddess, who has conquered the very gods

<sup>1</sup> *Trach.*, 31 (Jebb's translation).

<sup>2</sup> *Ibid.*, 88, *νῦν δ'ὁ ξυνήθης πότμος οὐκ ἐγὼ πατρός | ἡμᾶς προταρβείν*  
*οὐδὲ δειμαίνειν ἔγαν.*

<sup>3</sup> See *Aberystwyth Studies*, VI, p. 11. <sup>4</sup> *Trach.*, 175.

<sup>5</sup> *Trach.*, 459.

<sup>6</sup> *Trach.*, 461 ff., 582 ff.

<sup>7</sup> *Odyssey*, XXIII, 321 ff.

<sup>8</sup> *Eur., Andr.*, 222 ff.

<sup>9</sup> *Trach.*, 472; the Chorus begins at 497.

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and made Herakles do battle with Acheloos for the hand of Deianeira herself ; the implication being that his latest amour is simply another instance of the activities of Aphrodite, and to be accepted as such.

But, however much the blame might be shifted on to the shoulders of the gods (and that had been the stock excuse since the days of Homer),<sup>1</sup> there were conventions governing the matter. The morality of Herakles is somewhat like that of Tom Jones and his contemporaries, and a strong distinction was made between being unfaithful to a wife, actual or future, and insulting her. Once married to Sophia, Tom would certainly not have introduced Molly into the house ; nor would the average conventional Greek. The irregularities of a married man, while they might be condoned, were things to be kept decently concealed, and especially to be kept away from the home. Indeed, we have the evidence of Comedy that the actual Greek wife was by no means always so complaisant as Deianeira. But there were limits even to the complaisancy of the ideally dutiful wife ; she must retain the first place in her husband's affections, and in her own home she must be the sole mistress, with no hint or thought of a rival near her. These claims are based on two most solid foundations. Firstly, there is the deep-seated feeling of sexual jealousy which all Europeans, of whatever race, seem to have, although some Africans are apparently without it. It certainly was universal in Greece, save for some partial exceptions in the very abnormal arrangements at Sparta.<sup>2</sup> Secondly, there is the organisation of the family. The more conventional a Greek woman was, the more strongly and deeply she would be likely to feel that as an individual she counted for next to nothing, but as wife and mother, for much. Without her, the all-important continuation of the family and clan through legitimate heirs could not take place ; in Deianeira's own metaphor, so familiar to all Greeks that it actually appears in the formula of Attic marriages,<sup>3</sup> she was the field which bore legitimate children. Sexual morality might be now stricter, now laxer ; but a Greek husband could have but one wife. Any attempt to upset this immemorial

<sup>1</sup> *Iliad*, XIX, 86 ff. (Agamemnon blames Zeus, Fate, Erinys, and Ate) ; III, 389 ff. (Helen's conduct due to Aphrodite.)

<sup>2</sup> For the best and most thorough discussion of these, see Nilsson, *Grundlagen des spartanischen Lebens* (*Klio*, XII), p. 325 ff.

<sup>3</sup> See Menander, *Περικειρομένη*, 362 (van Leeuwen), ἀκουε' ταύτην γυν[ησίων] παίδων ἐπ' ἀρότω σοι δίδωμι.—λ[αμβάνω].

arrangement was bound to result in utter ruin and disaster ; only a man as reckless as Euripides' Pyrrhos, or a woman as stupidly insensible as his Andromache, could for a moment imagine that it might be otherwise.

Deianeira is face to face with a violation of this convention, which is no mere convention, but the result alike of human nature and ancient social organisation. Herakles is violently in love with the captured princess Iole, indeed has fought against and taken Oichalia in order to win her <sup>1</sup> ; and he has now sent her, along with his other captives, to his own and Deianeira's house. It is no secret among the hero's own following that Iole is to all intents and purposes his wife, and they speak of her as such, although not before Deianeira.<sup>2</sup> It is here that Sophokles perhaps rises to his greatest heights of character-drawing in this play. Gentle, tender-hearted, and absolutely devoted to Herakles, Deianeira has been moved by the captive's majestic beauty at first sight of her, and cannot blame Herakles for loving her ; ' for Love rules the gods as he will, and me ; and why not another woman, such as I am ? So I am mad indeed, if I blame my husband, because that distemper hath seized him ; or this woman, his partner in a thing which is no shame to them and no wrong to me.' <sup>3</sup> Conventionally good to the core, she is true to her conventions, although it may cost her dear to abide by them.

But a little reflection tells her that she is attempting to do more than, by her standards or any other, she can be expected to do. As she tells the chorus,

So now one coverlet shall hap us twain,  
Held in one man's embrace. Such is the price  
That Herakles, my loving, faithful lord,—  
Heaven save the mark,—pays for my weary watch.<sup>4</sup>

This is her one word of reproach against him, and even so she is not, and will not be, angry, but reasons calmly on the intolerable situation. She has no desire to harm anybody, but must secure her rightful place in Herakles' affections, which she is now in danger of losing. Quietly and steadily she faces the facts ; Iole is much younger than she, and not yet arrived at her prime ; she will have the substance, and Deianeira the shadow ; ' This, then, is my fear,—lest Herakles, in name my spouse, should be

<sup>1</sup> See *Trach.*, 359 ff.

<sup>2</sup> Lichas has been heard to call her δάμαρτ' Ἡρακλεῖ, *Trach.*, 428.

<sup>3</sup> *Trach.*, 443 ff., Jebb's translation.

<sup>4</sup> *Trach.*, 539 ff.

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the younger's mate.<sup>1</sup> Therefore, it is lawful,—she asks the opinion of the Chorus, who quite agree with her,—to try harmless magic, and such she believes she has at her disposal. Years ago, Herakles had shot a Centaur, Nessos, who was offering violence to her. The Centaur, as he lay dying, told her that his blood would make a powerful charm, if ever she needed to win back Herakles' affection. Incapable of treachery herself, she never stops to consider whether a crafty desire for revenge may not underlie this apparent kindness; and at first sight, the charm appears really efficacious, for the life-blood of a lover might well make a love-philtre, by all rules of sympathetic magic. To doubt the efficacy of magic would be utterly out of keeping with her character; magic played a considerable part in the life of the old-fashioned Greek woman, who had charms to keep evil spirits at bay during certain seasons of the year, spells recited over her at child-birth to ensure safe delivery and lessen her pain, and doubtless knew many more charms to heal the numerous small ailments and hurts of children.<sup>2</sup> But she has made, in her innocence, a fatal oversight. The blood of Nessos has flowed from a wound made by Herakles' arrow, poisoned with the deadly venom of the Hydra. Sophokles was no scientist, but the Greeks were by no means without a general knowledge of the effect of some drugs; he imagines this venom to be a powerful corrosive of some kind, inactive at low temperatures and in the dark, but horribly potent when heated to about the ordinary temperature of the body. There were plainly stories about of wizards using such things; Euripides made use of this belief for his *Medea*. But how should Deianeira know anything of nascent chemical science or of the more elaborate forms of magic? Moreover, the Hydra's venom has been used as arrow-poison, and it was proverbial that a woman had nothing to do with war,—as little as with the skilled trades, other than weaving and spinning. 'Begone to thy chamber,' says Telemachos to his mother,<sup>3</sup> 'and busy thee with thine own works, loom and spindle, and bid thy maids ply their task; the bow is all men's business, and mine especially.' Lysistrata's husband<sup>4</sup> used to meet her enquiries about the conduct of the war with the same saw, a little altered

<sup>1</sup> *Trach.*, 550, Jebb's trans.

<sup>2</sup> See the author's *Primitive Culture in Greece*, Chap. VI.

<sup>3</sup> *Odyssey* XXI, 350 ff.

<sup>4</sup> Aristophanes, *Lysistrata*, 520; Homer, *Il.* 492 (πόλεμος δ' ἀνδρεσσιν μελήσει).

to fit the occasion ; Hektor had already used it to Andromache. Klytaimnestra, playing for her own purposes the part of a very Penelope, declares <sup>1</sup> that she knows no more of ' pleasure or blame from any other man (than Agamemnon) than of the tempering of bronze.'

The fatal charm is therefore employed, and a new robe, secretly smeared with the blood, sent to Herakles, with the request that he wear it in the sacrifice of thanksgiving which he is to offer for his latest victory. The heat of the altar fire soon rouses the poison to activity, and he finds himself in horrible agony. At once supposing that the harm done him is deliberate, he flings the unlucky messenger Lichas into the sea, and has himself carried home, intending to take vengeance on Deianeira. Hyllos precedes him, filled with rage at the supposed treachery, and ends his account of what has happened by cursing his mother ; although, conventional as the rest of the family, he stops in the middle of his curse to assure himself that he has a right to invoke it, in the circumstances.<sup>2</sup> Deianeira leaves the stage without a word of protest or self-defence, and only her old nurse sees what happens afterwards. Following her mistress, the old woman sees her throw herself down before the family altars and hears her cry aloud that she is all alone now <sup>3</sup> ; after which she rises, breaks into fresh tears at the sight of everything and everyone in the house, and finally enters her bedroom. There, after making her marriage-bed for the last time and formally bidding it farewell, she stabs herself with a sword, presumably one of Herakles' own weapons.

That she should be broken-hearted and despairing at the horrible result of a scheme so innocently laid is too natural to need explanation in any age or country ; but there are many

<sup>1</sup> Aesch., *Agam.* 612.

<sup>2</sup> *Trach.*, 807 ff.

<sup>3</sup> *Trach.*, 908-9, βρονχᾶτο μὲν βωμοῖσι προσπίπτουσ' ὅτι γένοιτ' ἐρήμη. Pearson shows his usual good taste in restoring this, the reading of the MSS., in place of Nauck's ill-judged conjecture γένοιον' ἐρημοί. What could she mean by saying that the altars were become desolate ? If 'altars' is meant literally, why should she suppose that the house will never be inhabited again, nor the ordinary family worship conducted in it ? If it is metaphorical and means 'cult,' again it is inappropriate, for the sons of Herakles survive, and will certainly keep up the ritual of their family. But ἐρήμη, 'all alone,' 'kinless,' exactly expresses Deianeira's own position, and is used of a woman without family, e.g., by Euripides, *Heraklid.* 523. In line 911, καὶ τὰς ἄπαιδας ἐς τὸ λοιπὸν οὐσίας, οὐσίας may be corrupt, but ἄπαιδας certainly is not.

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details which add greatly to the pathos of the situation, throw light on the character of the heroine, and are not at once obvious to a modern, although they needed no gloss for Sophokles' audience. The key-words of her lamentation are *ἐρήμη* and *ἄπαιδας*, both of which the indiscreet zeal of editors has tried to emend away. A few days before Deianeira was the proud wife of the noblest of heroes, and the happy mother of his sons. Now her husband is dying, slain by her unwitting hand, and for this she accepts the full guilt. Hyllus indeed, when he learns all the circumstances, can find excuses for her, and so can the sympathising Chorus; but Deianeira herself will have none of such condonations. Conventional and old-fashioned in this as in other things, she follows the old view which looks only to the deed, not to the motives.<sup>1</sup> She is therefore more than a widow; she has undone her marriage. Nor is she a mother any more; for her eldest son, the natural guardian and representative of his brothers, has cursed her and cast her off. But, also, she is no longer her father's daughter; for once married, she has left that relationship behind her for ever.<sup>2</sup> She is no Medeia, to make a new home for herself somewhere in a strange land. No one's daughter any more, no one's wife, and no one's mother, she has no place in the world, hardly any existence at all; she therefore has no course open to her save to seek and find death as quickly as may be.

Sophokles is said to have remarked that he described people as they should be, while Euripides described them as they were.<sup>3</sup> This of course does not mean that his characters are all angels, like those of some sentimental novelist, but, as Butcher well puts it, that they are 'raised above the trivial and accidental.' They are human, as human as those of Euripides himself; but the poet does not dissipate the interest by insisting on a number

<sup>1</sup> *Trach.*, 930 ff. (Hyllus' remorse); cf. 727 ff. (Deianeira, too late, becomes suspicious of the drug she has used):

XO. ἀλλ' ἀμφὶ τοῖς σφαλεῖσι μὴ ᾗ ἐκονσίας

ὀργή πέπειρα, τῆς σε τυγχάνειν πρόπει.

ΔΗ. τοὔτα δ' ἂν λέξειεν οὐχ ὁ τοῦ κακοῦ

κοινωνός, ἀλλ' ᾗ μηδὲν ἔστ' οἴκοι βαρύν.

Ovid compresses her feelings in this matter into the refrain *impia quid dubitas Deianira mori?* (*Heroides ix*, 146, 152, 158, 164.)

<sup>2</sup> For rites of dissociation from home in a Greek marriage, see *e.g.*, Plut., *Quaest. Rom.* 29.

<sup>3</sup> Arist., *Poetics* 1460b, 34, οἷον καὶ Σοφοκλῆς ἔφη αὐτὸς μὲν οἶον· δεῖ ποιεῖν, *Εὐκταίδην δὲ οἶοι εἰσὶν*. For comment see Butcher, *Aristotle's Theory of Poetry and Fine Art*, p. 369.

of minute and petty details such as would, in actual life, distract our attention from the essential features of the characters and their actions. No better illustration of this can be found than the *Trachiniae*. In Sophokles' own day there was a domestic drama at Athens, whose exact date is quite unknown, but in which the orator Antiphon (born about 480 B.C., put to death 411), or someone who wrote a very similar style, took part.<sup>1</sup> A woman, feeling jealous of her husband, contrived that he should drink some compound which proved to be poisonous. He died after an illness of about three weeks, and his son, the woman's stepson, brought her before the Areiopagos on a charge of murder. Her defence was that she meant the drug for a love-philtre. Here possibly we have the case which set Sophokles thinking of the subject of his tragedy. Was a woman in such a position, supposing that her plea was true (we do not know how the jury decided, nor what evidence she brought in her favour), a murderess, as the accuser alleges throughout the speech, or the innocent victim of circumstances? He clears away all the sordid details of the actual case, leaving only this central problem. Deianeira decides against herself, in accordance with her own conventional and old-fashioned but noble character. Everyone else, even, it would appear, Herakles, votes the other way. And that,—one can perhaps imagine Sophokles gently insinuating,—that is the true way to bring real life into a tragedy, friend Euripides.

H. J. ROSE.

<sup>1</sup> Antiphon, *Orat.* I, especially 9. The authenticity of this speech has been doubted, see Blass-Thalheim's edition, p. xxi.







[Photo by H. H. Davies.]

FIG. I.

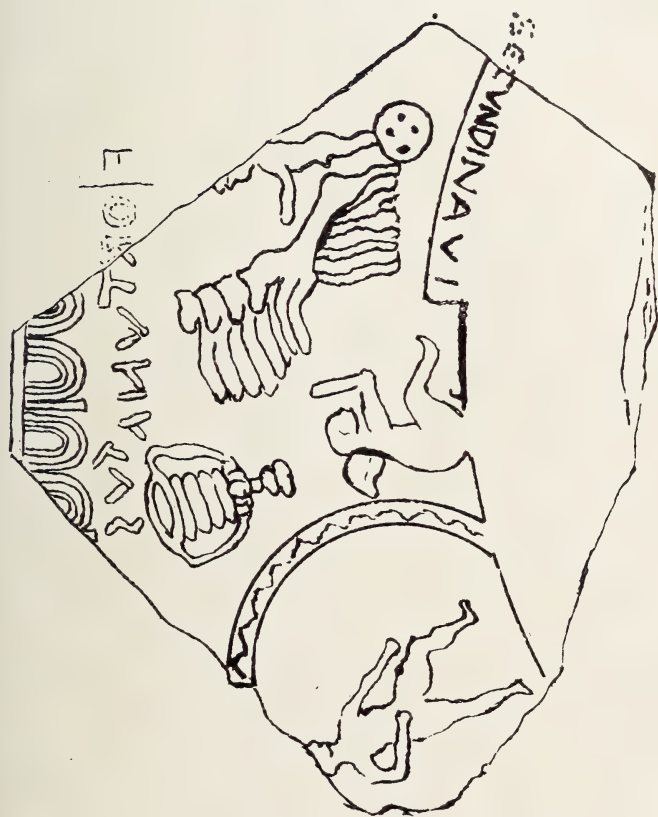


FIG. 2.



## TWO FRAGMENTS OF SAMIAN POTTERY, IN THE MUSEUM OF THE UNIVERSITY COLLEGE OF WALES, ABERYSTWYTH

### A

THERE is nothing intrinsically remarkable about this fragment of 'Samian' ware, but some circumstances connected with it deserve notice. Such particulars as are given here are due almost entirely to the research of Dr. Felix Oswald, who has most kindly allowed his notes on the subject to be put together for publication. It is a piece of a bowl of Dragendorf Form 37, the type in commonest use in the last quarter of the first century A.D. and throughout the second. All the decorations on it are characteristic of the potters of the East-Gaulish area who worked during the Antonine period, from roughly A.D. 130 to about the end of the second century. (Fig. 1.)

(a) The *Ovolo border* with every alternate tongue missing is found on the work of the Rheinzabern potters BELSVS, CERALIS, SECUNDINAVI and in that of AVITI F and CAMBO of Eschweilerhof.

(b) The *Eagle* <sup>1</sup> with or without the medallion border is used by CERALIS, LVPVS, PEREGRINVS, and occurs on a mould stamped both 'SECUNDINAVI' and COMITALIS F, all Rheinzabern potters, and is also used by the Eschweilerhof group, being probably derived from SATTO.

(c) The *two-handled urn* was a common form of decoration and is found in various shapes and sizes in the work of many potters.<sup>2</sup> The actual form which appears here in the field to the right is found on the work of 'SECUNDINAVI' and PERPETVS (?) both of Rheinzabern, and of (?) BELSVS <sup>3</sup> who migrated to Rhein-

<sup>1</sup> Ludowici, W. *Stempelbilder röm. Töpfer von Rheinzabern*. 1905. Type T. 130.

<sup>2</sup> Cf. Déchelette, *Les vases céramiques ornés de la Gaule romaine*. Fig. 1073 f. Ludowici, *op. cit.* Types O. 86-90, 174.\*

<sup>3</sup> So. Knorr *Die verzierten Terra Sigillata-Gefässe von Rottenburg*,

zabern from Heiligenberg. It is possibly derived from a very similar form used by the slightly earlier Heiligenberg potter CIRIVNA.<sup>1</sup>

(d) The *little winged cupid* holding an upraised torch, whose head, wing and right arm appear at the bottom, is used by CERALIS, IVLIVS, REGINVS and 'SECVNDINAVI,' again all of Rheinzabern.<sup>2</sup>

(e) The central figure represents a *charioteer* driving a quadriga to the left. The circus and the arena were very popular subjects for the decoration of vessels, whether pottery, glass or lead, and chariot races are often found treated in far more elaborate style than here, e.g. on a glass cup from Colchester<sup>3</sup> now in the British Museum. On 'Samian' vessels, particularly of the decadent East-Gaulish potteries, the conventionalised group tends to be the more usual, and the form in which it occurs on this fragment is quite a recognised type,<sup>4</sup> and is found in the work of the Rheinzabern potters CERALIS, IVLIVS and 'SECVNDINAVI.' Better designed types are also found and there are differences in detail, e.g. the chariot may face indifferently the right or the left and it may be a biga or a quadriga.<sup>5</sup>

The conventional 'Samian' decoration might reasonably be supposed to be derived from the more realistic treatment of the same subject in glass, and Mr. Reginald Smith puts the Colchester Cup as early as the end of the first century,<sup>6</sup> but on the other hand, towards the end of the second century glass vessels were tending to supersede 'Samian,' and often, especially in Form 30, imitated both shape and style of decoration, so that it is possible that charioteer decoration on glass is derived from Samian and is of the Antonine age,<sup>7</sup> but preserves the realistic tradition of the

XVIII, 4, and *Ibid.*, 1, where the name FORTVNATVS is not that of a potter; cf. *infra*.

<sup>1</sup> Knorr., *Die verzierten Terra Sigillata-Gefässe von Rottweil*, 1907. pl. XXV, 5.

<sup>2</sup> Ludowici, *op. cit.*, Type M. 95, with left leg missing.

<sup>3</sup> Reginald Smith, *B.M. Guide to Antiquities of Roman Britain*, p. 105, Fig. 124; cf. similar vessels from Hartlip, Kent. (Roach Smith, *Collect. Ant.*, ii, p. 17) and in the London Museum (*id.*, *Mus. Lond. Ant.*, p. 48, 211. A quadriga on lead, *B.M.G.*, p. 100, Fig. 121.

<sup>4</sup> Ludowici, *op. cit.*, Type M. 37.

<sup>5</sup> Ludowici, *op. cit.*, Types M. 210,\* 211,\* 219,\* 257.\*

<sup>6</sup> *B.M.G.*, p. 105.

<sup>7</sup> Kisa, *Das Glas im Altertum*, pp. 230 ff., 730 ff.

South-Gaulish artists <sup>1</sup> better than did the contemporary potters of East Gaul. <sup>2</sup>

Be that as it may, vessels decorated with scenes from the circus evidently commanded a good sale, and their popularity was doubtless increased by labelling the figures with the names of prominent charioteers of the period. This is well seen on the Colchester glass cup, where one of the four charioteers is saluted as the victor: no doubt it was a popular win, for the identical names have been found on other glass vessels. <sup>3</sup> Thus in the Aberystwyth fragment we clearly have the name of the charioteer FILINO written retrograde above his head. It is an integral part of the moulded decoration of the bowl, not a stamp, nor a graffito. This is quite in accord with the usual practice, though the name is often found below the figure and sometimes with the addition of the 'colour' or 'faction' which the man represented in the circus. <sup>4</sup>

All the decorative details thus tend to show that this piece is a product of the Rheinzabern pottery.

The points of interest in connection with this fragment are two: (a) In the first place (so far as the writer is aware) the name FILINO has not yet been published in this connection and is otherwise unknown. If it is the name of the charioteer it should be in the nominative or possibly the vocative. Philinus occurs as a cognomen of citizens of Greek origin, or as the name of slaves, but the form ending in O could only be dative or ablative, which do not make sense in this connection. As a nominative it is an unusual form, and may be a Gallicism, for the termination O for VS is not at all infrequent in the names of Gaulish potters.

(b) Secondly, this fragment bears a very striking resemblance to a piece found in excavating the Roman fort at Zugmantel on the Rhine Limes, and published by Barthel in his report, <sup>5</sup> from which the accompanying illustration (Fig. 2) is reproduced.

In the Zugmantel fragment we have the same ovolo border

<sup>1</sup> South-Gaulish charioteer vessels. Déchelette, *op. cit.* Fig. 647; a biga on Form 37, from la Graufesenque. Knorr, Rottweil, 1907, pl. XIV, 7, Form 30, by PAVLLVS, etc., etc.

<sup>2</sup> But cf. the far more elaborate treatment in the medallions by the appliqué work potters of the Rhone Valley in the third century. Déchelette, *op. cit.* II, p. 300.

<sup>3</sup> C.I.L. VII, 1273, Kisa, *op. cit.*, p. 730.

<sup>4</sup> Ludowici, *op. cit.*, iv, p. 99.

<sup>5</sup> O.R.L. Zugmantel pl. XXIV, Fig. 21.

with every alternate tongue missing ; the same charioteer group, facing left, with the name, (for)TVNATVS in the nominative case, above it, written retrograde, the same winged cupid with upraised torch below the horses ; the same two-handled urn in a similar position in the field (though here it is in front of the charioteer and not behind him) ; and the same medallion, though here the figure in the medallion is not the eagle, but an athlete, a very common type.<sup>1</sup> The Zugmantel fragment also, fortunately, bears the potters' stamp [se]CVNDINAVI upside down below the charioteer. A similar fragment of what must be a bowl from the same mould exists in the Stuttgart Museum : it comes from Rottenburg on the Neckar and is figured by Knorr.<sup>2</sup> In this case the potter's stamp and the figure in the medallion are broken off, but two more letters of the charioteer's name survive and thus enable that on the Zugmantel piece to be restored with certainty as FOR)TVNATVS. The similarity in shape of the N in FORTVNATVS and in FILINO on the Aberystwyth fragment is also remarkable.

These considerations make it appear probable that the Aberystwyth fragment is also the work of the potter or potters SECVNDINAVI<sup>3</sup> and is a piece of a bowl from the same mould as the Zugmantel and Rottenburg fragments, but from the opposite side of the vessel.

Probably four charioteers were depicted, separated by four medallions, two containing athletes and two eagles, the athlete medallions being flanked by the urns.

The origin of this piece is unfortunately not known with any accuracy, certain records of objects in the College Museum having perished in a fire in 1885. But it appears to belong to a group of potsherds, some Samian, some Belgic and some black, which came from German sites. Most of the pieces of coarser ware in this group have identification labels which state that they were acquired in 1867 and came from Cologne, while the majority of the Samian sherds bear the date May 1870 and their origin is

<sup>1</sup> Ludowici, *op. cit.*, Type M. 43, found on the work of AVITVS of Eschweilerhof and of COMITALIS, IANVS, IOVENTVS, LVTEVS, PRIMITIVS, REGINVS, 'SECVNDINAVI,' and STATVTVS, all of Rheinzabern.

<sup>2</sup> Rottenburg, pl. XVIII, 1. Cf. Barthel, *op. cit.*, pp. 123, 14, and 154, 473, who points out that the name FORTVNATVS is not a Potter's stamp, as then supposed (and as is given in C.I.L. XIII, 3, 10011, 201), but the name of the charioteer.

<sup>3</sup> This stamp SECVNDINAVI is probably that of a partnership firm consisting of the potters SECVNDINVS and AVITVS.

given as Altmünster or Linsenberg. These two names indicate sites within the city of Mainz,<sup>1</sup> so that one may reasonably assume that the piece now under consideration came from that city also.

## B

The second piece is perhaps of less interest, but it also bears an inscription which, so far as the writer is aware, has not been published.

It consists of the base and part of the side of a plain cup of Dragendorf, Form 27, bearing the stamp of the potter SECVNDVS, who worked in South Gaul at La Graufesenque in the middle of the first century.

On the underside of the base is the graffito CONTESSI. This is the owner's name and is scratched with a sharp instrument through the glaze of the vessel; this was a common practice, the name being, of course, in the genitive case.

CONTESSIVS is a known Gallic name<sup>2</sup> and the feminine CONTESSIA<sup>3</sup> also occurs. The parallel Gallic spelling CONTEDDIVS is also found. This fragment bears a label '20th May 1870. Altmünster,' and thus is also from Mainz.

P. K. BAILLIE REYNOLDS.

<sup>1</sup> I am indebted to Dr. E. Ritterling for kindly giving me this piece of information. I had been unable to find either name on any German map.

<sup>2</sup> C.I.L., XII, 1821, 2207, 2208.

<sup>3</sup> *Ibid.*, 1805.



## ADDITIONAL NOTES ON THE FAMILIAR LETTERS OF JAMES HOWELL<sup>1</sup>

IN the following notes the references have been made to Joseph Jacobs's edition (1890-1892), but I have added in brackets the number of the page of the volume in which letter or poem first appeared. It should be remembered that in some editions the pages of the book or section are numbered separately.

The Vote was first printed in 1642, Book I. of the Letters in 1645, Book II. in 1647, Book III. in 1650, Book IV. in 1655.

*(Letters numbered as in Jacobs, Text as in first editions.)*

### TESTIMONIA.

The following may be added to the passages prefixed to Jacobs's Introduction, pp. xv-xx.

"The details of this sublime expedition in the common Dryasdust are very unauthentic; borrowed mostly from Howell's Letters.<sup>2</sup> James Howell, a quickwitted, loquacious, scribacious, self-conceited Welshman of that time. He was presumably extant in Spain during these months; his Letters were put together above twenty years afterwards. Letters partly intended, I think, as a kind of Complete Letter-writer; containing bits of History too, bits of wit and learning, philosophy and elegant style; an elegant reader's vade-mécum; intended alas, above all, to procure a modicum of indispensable money for poor Howell. They have gone through twelve editions or more: they are infinitely more readable than most of the torpid rubbish, and fractions of them, if you discriminate well, are still worth reading. These are the foundations whereon our accounts of this sublime Expedition rest. Very unauthentic; but in fine we care nothing for the business itself."

THOMAS CARLYLE, *Historical Sketches of Notable Persons and Events in the Reigns of James I. and Charles I.* (written 1843-4, published posthumously 1898), pp. 152, 153.

<sup>1</sup> See Vols. III., IV., V., and VI. of *Aberystwyth Studies*.

<sup>2</sup> "'Howell is very questionable,' says Carlyle in a marginal note on a page of his copy of the *Pictorial History of England*" (Alexander Carlyle).

“*Howell's Epistles*. These inimitable letters will soon be accessible in Mr. Arber's reprint.”

JOHN E. B. MAYOR, Note on p. 190 of his edition (1870) of the *Life of Ambrose Bonwicke by his Father*.

[As late as 1880 the *Epistolæ Ho-Elianæ* appeared in a list of classes of books to be represented in ‘The Old Series’ of Arber's ‘English Scholar's Library,’ but they were never published.]

Joseph Jacobs's Introduction, p. xxiv., “His mother is declared by the same authority to have been the daughter of one Chantor Huet, and was possibly sister-in-law to Sir Sackville Trevor, whom Howell addresses as ‘uncle.’”

Jacobs's positive and conjectural statements about the relationships of Howell's mother are both mistaken. According to “the same authority” —Theophilus Jones's ‘History of the County of Brecknock’—Howell's father, Thomas, “married a granddaughter of Chantor Huet of Llanfawr,” and, according to Sir J. K. Laughton in the ‘D.N.B.,’ Sir Sackville Trevor (*fl.* 1632) married Eleanor daughter of Sir John Savage of Clifton, Cheshire, and widow of Sir Henry Bagnall.

As Jacobs speaks of “one Chantor Huet” it looks as though he may have imagined Chantor to be a Christian name. For Thomas Huet or Huett, precentor or chantor of St. David's, see the ‘D.N.B.,’ Cooper's ‘Athenae Cantabrigienses’ and other works of reference. Mr. Richard Ellis has kindly referred me to Browne Willis's ‘Survey of the Cathedral Church of St. David's’ (1717), where I find, p. 142, that “the Person enjoying this Dignity (the Precentorship), takes Place as the Dean does in other Cathedrals,” the Bishop being properly Dean.

‘The Vote, or a Poeme Royall,’ ll. 19, 20, p. 6 (1642, p. 2),  
*No curious Land-skip, or some Marble peece*  
*Dig'd up in Delphos, or else-where in Greece.*

“Some Marble peece,” etc., seems to have been suggested to Howell by the famous collections of Thomas Howard (1585–1646), Earl of Arundel, displayed in the galleries of Arundel House in the Strand. Selden's ‘Marmora Arundeliana’ came out in 1628.

‘The Vote, or a Poeme Royall,’ ll. 135, 136, p. 9 (1642, p. 7),  
*Good may the Entrance, better the middle be,*  
*And the Conclusion best of all the three.*

A letter of Howell's, IV., xxxvii (1655, p. 91) shews that he was familiar with the thought in its Italian form:

“These com to foretell, at leastwise to wish you, as the season invites mee, a Good New yeer, and according to the *Italian* complement, *buon principio, miglior mezzo, ed ottimo fine*.”

On p. 24 of *Aber. Studies*, Vol. VI., I suggested that there might be a Latin original and gave a conjectural hexameter. Certainly both in Greek and Latin we find lines of a traditional type in which a beginning, middle, and end are concisely described :

Πρόσθε λέων, ὀπίθεν δὲ δράκων, μέσση δὲ χίμαιρα.

Iliad vi., 181.

Prima leo, postrema draco, media ipsa, Chimaera.

Lucretius, V., 905.

When in chap. xii. of 'Romola' George Eliot writes "But what says the Greek? 'In the morning of life, work; in the midday, give counsel; in the evening, pray'," she evidently has in mind the line,

"Ἔργα νέων, βουλαὶ δὲ μέσων, εὐχαὶ δὲ γερόντων.

See Harpocration's Lexicon, s. "Ἔργα νέων, and Hesiod, ed. A. Rzach, Fragm. 220 (246).

Compare,

Mane petas montes : medio nemus : vespere fontes.

Heinrich Bebel's 'Proverbia Germanica,' ed. Suringar, no. 595.

'The Vote, or a Poem Royall,' ll. 221, 222 (1642, p. 11),

*Vertue still guide his course, and if there be*

*A thing as Fortune Him accompanie.*

Compare the conclusion of I. 2, xxv., So my dear Cosen, may Vertue be your guide, and Fortune your companion.

The source of the expression is Cicero, 'Epp. ad Fam.' x., iii. 2, "Omnia summa consecutus es, virtute duce, comite fortuna." These last four words were the motto of the printer Sebastian Gryphius (c. 1491-1556). John Owen places them at the head of an epigram (II. xxii.) on Lord Burleigh,

Fortunam Comitem regina creavit Elisa ;

Cur non Virtutem fecerat ergo Ducem ?

Page 13 (1645, sign. A3),

To the *knowing*

READER.

Of Familiar or *Letters*-missive.

Lines 1-2,

*Love is the life of frendship, Letters are*

*The life of Love.*

Compare,

Book I., Sect. 1, xvii., p. 44 (1645, p. 29), Love is the marrow of friendship, and Letters are the Elixir of Love.

There is a certain conventional or traditional arrangement of the thought in such sentences with their comparisons and three principal terms. We may take as an example the distich attributed to "quidam modernorum" by John of Salisbury, 'Policraticus,' III. i.,

Vita animae Deus est, haec corporis ; hac fugiente

Solvitur hoc, perit haec destituyente Deo.

Book I., Sect. 1, i., p. 17 (1647, p. 1. This letter was first printed at the beginning of ed. 1 of Book II.), The Tongue *in udo posita*, being in a moyst slippery place may fayle and falter in her sudden extemporall expressions.

Compare I., xxi. of the ‘Hieroglyphica Horapollinis,’ ed. David Hoeschel, 1595, with J. Mercier’s Lat. translation, pp. 33, 34.

Γλώσση δὲ, ὅτι διὰ παντός ἐν ὑγρῷ ἐπάρχουσαν ταύτην, καὶ γενέτειραν τοῦ εἶναι καλοῦσι.

Linguae autem, quod cūm haec perpetuo in humido esse gaudeat, insuper et ipsam genitricem causamque rerum status appellat.

Book I., Sect. 1, i., p. 18 (1647, p. 2), Some modern Authors there are, who have expos’d their *Letters* to the world, but most of them, I meane among your Latin Epistolizers, go freighted with meer *Bartholomew* ware, listed with pedantic shreds of School-boy verses.

Jacobs in his Index glosses *listed* by “stuffed.” This I take to be a mere guess. *Listed* (see the N.E.D.) = bordered, edged, striped. Here it appears to be equivalent to variegated, embellished.

Book I., Sect. 1, ii., p. 20 (1645, p. 3), Amongst others, Mistris *Turner*, the first Inventresse of *yellow-Starch*, was executed in a Cobweb-Lawn Ruff of that color at *Tyburn*, and with her I believe that *yellow-Starch*, which so much disfigured our Nation, and rendred them so ridiculous and fantastic, will receive its Funerall.

Jacobs in his note refers to E. F. Rimbault’s Life of Sir T. Overbury prefixed to his edition of Overbury’s ‘Miscellaneous Works,’ 1856, p. xxxvii., “When Coke the Lord Chief Justice, sentenced her to death for her share in the murder of Overbury, he added the strange order, that ‘as she was the person who had brought yellow starched ruffs into vogue, she should be hanged in that dress, that the same might end in shame and detestation.’ Even the hangman who executed this unfortunate woman was decorated with yellow ruffs on the occasion.”

But see Andrew Amos, ‘The Great Oyer of Poisoning,’ 1846, p. 46, “Michael Sparke, who under the affected latinized name of *Scintilla*, published his “Truth brought to light by Time,” in the year 1651, relates, with little probability of truth, that Mrs. Turner was actually sentenced by Sir E. Coke to be hanged at Tyburn in a ruff stiffened with her own yellow starch.”

Carlyle of course pounced on the picturesque incident of the yellow ruff :

“Widow Turner being a person of respectability, though at Tyburn, could not but appear in yellow ruffs duly got up ; whereupon all the world indignantly scoured its ruff white again. O Widow Turner, Widow Turner, the getting up of that yellow ruff, the night before Tyburn ! ”

‘Historical Sketches,’ part I, chap. xv., p. 122.

Book I., Sect. 1, iii., p. 22 (1645, p. 5), The small time I super-  
vis'd the Glasse-house, I got amongst those *Venetians* some  
smatterings of the *Italian* Tongue, which, besides the little I  
have, you know, of School-languages, is all the Preparatives I  
have made for travell.

Jacobs prints "*School-language*," the corrupt reading of the 1737  
edition, and explains it as "language of the 'Schools,' Latin, in which  
language alone the disputations could be held by which degrees could be  
obtained," with a reference to C. Wordsworth's '*Scholae Academicæ*.'  
This is beside the mark. Howell wrote "*School-languages*," i.e. Greek  
and Latin. He uses the same term elsewhere.

Book I., Sect. 1, v., p. 25 (1645, p. 8), Having bin so rocked  
and shaken at Sea; when I came a shore I began to incline to  
*Copernicus* his opinion, which hath got such a sway lately in the  
World, *viz.* That the Earth as well as the rest of her fellow Ele-  
ments, is in perpetuall motion, for she seem'd so to me a good  
while after I had landed: He that observes the site and position  
of this Countrey, will never hereafter doubt the truth of that  
Philosophicall Problem which keeps so great a noise in the  
Schools, *viz.* That the Sea is higher then the Earth, because as I  
sail'd along these Coasts, I visibly found it true; for the Ground  
here which is all twixt Marsh and Moorish, lies not onely levell,  
but to the apparant sight of the ey far lower then the Sea.

The references given in Jacobs's note in illustration of "That Philoso-  
phical Problem" prove that he referred these words by mistake to what has  
just been mentioned,—the question of the earth's movement. But if what  
follows is read with any attention it is clear that the reference is to "That  
the Sea is higher than the Earth." For an example of the discussion of this  
question in the seventeenth century see Bernhardus Varenius, '*Geographia  
generalis*,' lib. I., cap. xiii., Propositio 2, '*Oceanus non est majoris alti-  
tudinis, quam terrae littora, atque ideo terra & aqua ejusdem fere sunt alti-  
tudinis ubique, exceptis montibus excelsis*, and Propositio 3, '*Cur mare con-  
spectum è littore videtur in majorem altitudinem & tumorem assurgere, quo  
à littore remotius est*.'

Book I., Sect. 1, xiii., p. 38 (1645, p. 23), That in the List of  
those frends I left behind me in *England*, you are one of the prime  
rank, one whose name I have mark'd with the whitest Stone.

See Catullus lxviii., 148:

Quem lapide illa diem candidiore notat, and the similar passages col-  
lected by A. Otto, '*Sprichwörter der Römer*,' s.v. *calculus*. With Howell  
it is not the day but the name which is thus marked.

Book I., Sect. 1, xvii., p. 45 (1645, p. 30), . . . and as we had  
exchang'd some blows, it pleas'd God, the *Chevalier de Guet*, an

Officer, who goes up and down the Streets all night a Horseback to prevent disorders, pass'd by, and so rescued us.

The incorrect "*Chevalier de Guet*" in this passage was repeated in several editions of the Letters. Howell has the correct form in I., 1, xlv., "Ther is an Officer call'd *Le Chevalier du Guet* (which is a kind of Night-guard) here [= at Lyons] as well as in Paris." Yet Jacobs, while giving the correct form in both places, does not recognize the designation of the Captain of the Watch, but evidently thinks he is dealing with a proper name. His note on the earlier letter is "*Chevalier du Guet*, mentioned later on, p. 98, but in a passage derived from a work of fiction where the names are expressly said to be fictitious."

Book I., Sect. 1, xviii., p. 47 (1645, p. 32), When *Henry* the fourth fell upon some great Martiall designe, the bottom wherof is not known to this day; and being rich (for he had heap'd up in the *Bastile* a mount of Gold that was as high as a Lance) he levied a huge Army of 40000 men, whence came the Song, *The King of France with fourty thousand men*. . . .

The measurement of a pile of gold by the height of a lance reminds us of the practice of 'acervation,' See *Mélusine*, February–March, 1901, and the story told in Carlyle's 'Frederick,' book II., chap. viii., where Markgraf Otto IV of Brandenburg, who has been taken prisoner by the Archbishop of Magdeburg (1278) frees himself by ransom:

"'We are clear, then, at this date?' said Markgraf Otto from his horse, just taking leave of the Magdeburg Canonry. 'Yes,' answered they. 'Pshaw, you don't know the value of a Markgraf!' said Otto. 'What is it, then?' 'Rain gold ducats on his war-horse and him,' said Otto, looking up with a satirical grin, 'till horse and Markgraf are buried in them, and you cannot see the point of his spear atop!' That would be a cone of gold coins equal to the article, thinks our Markgraf; and rides grinning away.

Book I., Sect. 1, xxii., p. 56 (1645, p. 42), The Duke of *Ossuna* pass'd by here lately.

It should be noted that one of the characters in Robert Burton's Latin comedy *Philosophaster* (written in 1606, acted in the Hall of Christ Church, 1617) is "Desiderius, Osunae Dux." The Duke of Osuña mentioned above by Howell, Pedro Tellez Giron (1579–1626), had acquired a reputation for learning as a student at the University of Salamanca and was famous as a young man for his daring wit at the royal court. Burton may have been thinking of him when he chose a title for the founder of the University of Ossuna in his play.

Book I., Sect. 1, xxvii., p. 63 (1645, p. 50), from a Shipboard before *Venice*. . . . shaken at Sea in divers Tempests neer upon fourty dayes, I mean naturall dayes, which include the nights also, and are compos'd of four and twenty hours, by which number the

*Italian* computes his time, and tells his Clock, for at the writing hereof, I heard one from *Malamocca* strike one and twenty hours :

The *locus classicus* of English literature for this method of time-keeping is, perhaps, in stanza xxv of 'Bianca's Dream' by Thomas Hood :

A clock it was of the Venetian breed,  
That cried the hour from one to twenty-four ;  
The works moreover standing in some need  
Of workmanship, it struck some dozens more.

Book I., Sect. 1, xxxi., p. 72 (1645, p. 60), I leave the further disquisition of this point to your own contemplations, who are a far riper philosopher than I, and have waded deeper into, and drunk more of *Aristotles Well* ;

Jacobs offers no comment on the last words. Perhaps he understood the well to be purely figurative. But see 'Remarks and Collections of Thomas Hearne,' vol. vi., Oxford Historical Society, p. 186, under June 10, 1718, "Aristotle's Well is in the Midway between Oxford and Wolvercote. Before we come to it is another way [?] call'd Walton-Well, from the old Village of Walton, now destroy'd. I have mention'd both these Wells in my Preface to John Rowse. Aristotle's Well was so call'd from the Scholars, especially such as studied his Philosophy, going frequently to it & refreshing themselves at it, there being an House for these Occasions just by it. [Hearne adds in a note, "They us'd to drink Water & Sugar there."] Frequenting Wells was a Thing much in vogue in former Times. . . . As for Aristotle's Well, it was most of all frequented when Coursing was in practise, a Custom put down by the Care & Management of Bp. Fell. After Disputations on Ash-Wednesdays, the Scholars used to go out into the Fields & box it. The Places chiefly used for boxing were on the North side of the City, and such as came off Victors went away in Triumph, & were sure not to let Aristotle's Well be unsaluted upon those Occasions, where Trophies of their Victories were sometime left."

Book I., Sect. 1, xxxiv., p. 75 (1645, p. 62), But 'tis not fitting, that *paper* which is made of old Ragg's (wherewith Letters are swaddled) should have the same priviledg as *Love*, which is a spirituall thing, and hath something of Divinity in it,

Compare John Owen's 'Epigrammata,' I., clii., 4,  
*Nam res est spiritualis amor.*

Book I., Section 1, xxxiv., p. 75 (1645, p. 63), Since then, Letters are denied such a velocity, I allow this of mine twenty dayes, which is the ordinary time allow'd twixt *Venice* and *London*, to com unto you, and thank you a thousand times over for your last of the tenth of *June*.

Jacobs's comment on "the tenth of June" is "If the post from Venice to London took twenty days, it is hard to see how Howell could have acknowledged on 29th June a letter dated 10th in London."

To this may be replied, firstly, that "twenty days" represents the average time. Under special circumstances a post might arrive sooner, just as now-a-days the date at which Australian letters are delivered in London may vary according to the speed of the mail-steamer. Secondly, although it was no doubt unreasonable for the royal Bengal tiger which Peter Simple saw at the fair to measure sixteen feet from the snout to the tail, and seventeen from the tail to the snout, yet the post from London to Venice might conceivably be quicker than that from Venice to London. Thirdly, Jacobs's argument is based on a misreading of the date of Howell's reply, which is not 29 June, but 29 July. Yet, when he reaches this at the end of the letter, he is still dissatisfied and writes (having already forgotten his previous note) "29 July, 1621. The date of the month is inconsistent with H.'s statement of the time the post took from Venice to London."

Book I., Sect. 1, xxxvi., p. 79 (1645, p. 68),

*Su' Pelago Tibrim præfers, urbem aspice utrumque.*

Such is the mangled form in which the 5th line of Sannazaro's famous epigram on Venice appeared in the 'Epistolæ Ho-Elianæ' in 1645. By the time of Jacobs's edition *urbem* had recovered its gender, and the imperative was no longer disguised, but the first word of the line was given as *Sic*. It should be *Sic*.

Book I., Sect. 1, xxxviii., p. 84 (1645, p. 73), They are tolerated for advantage of commerce, wherein the *Jews* are wonderfull dextrous, though most of them be onely Brokers, and Lombardeers; and they are held to be here, as the *Cinic* held Women to be *malum necessarium*.

Compare IV., vii., p. 567 (1655, p. 16), "But a far wilder speech was that of the *Dogg-Philosopher*, who term'd Women *Necessary Evils*."

Cp. Menander, 651,

*Τὸ γαμεῖν ἐάν τις τὴν ἀλήθειαν σκοπῇ,  
κακὸν μὲν ἔστιν ἀλλ' ἀναγκαῖον κακόν.*

Book I., Sect. 1, xlii., p. 95 (1645, p. 85), They are generally indulgent of themselves, and great embracers of pleasure, which may proceed from the luscious rich Wines, and luxurious Food, Fruits, and Roots, wherwith the Countrey abounds, Insomuch, that in som places, Nature may be said to be *Lena sui*, *A Baud to her self*.

The Latin expression is from Cicero, 'De natura deorum,' i., 27, 77, "Sed tu hoc, physice, non vides, quam blanda conciliatrix et quasi sui sit lena natura?"

Book I., Sect. 1, xliii., p. 96 (1645, p. 86) . . . till I came to this Town of *Lions*, where a Countrey man of ours, one *Mr. Lewis*, whom I knew in *Alicant* lives Factour.

Jacobs observes, "There is a Lewis mentioned in Spedding, *Life*, vii., 30, as patentee of berths from Wales, who may have been H.'s friend or related to him."

"Patentee of berths from Wales" is enigmatic. But on referring to Spedding's 'Life and Letters' of Bacon we find Buckingham writing to the Lord Chancellor "His Majesty was pleased at the suit of some who have near relation to me to grant a licence for transportation of butter out of Wales unto one Lewis and Williams." As these men "utterly refuse to perform" the conditions of the contract, he begs Bacon to summon Lewis and Williams before him, and to insist on their keeping the agreement or being deprived of the benefit of the patent. The letter is dated 14 May, 1619. According to the dates which Howell added in his 2nd edition to I. 1, xxv and xxvi, he would appear to have left Alicante about the end of March, 1621, after a stay of three months. Buckingham's protégé might, of course, by that time have deserted his native milk-walk, or butter-slide, or whatever the business was, and transferred his commercial activities to the Continent, but, in default of evidence, Jacobs's guess is worth exactly nothing.

Book I., Sect. 1, xlv., p. 98 (1645, p. 88), *The next morning, the two souldiers that had gon with Lieutenant Jaqvette were found dead under the City Wall, amongst the Ordure and Excrements*,

In the story in François de Rosset's 'Les histoires tragiques de nostre temps,' 2nd ed., 1615, and 3rd ed., 1623, 'Histoire viii.' the name is la Iaquier. Jacobs refers to a 1609 edition of the French book, which I have not seen. The condition of the ground under the city wall will be understood if we remember, e.g., the latrines on the Aurelian walls at Rome and the sanitary arrangements in our own castles; see Miss Bateson's 'Mediaeval England,' p. 31. It is illustrated by the Spanish proverb which Howell quotes in I., 6, lix.

Book I., Sect. 3, i., p. 144 (1645, p. 49), The Marquis of *Buckingham* continueth still in fulnesse of grace and favor; the Countesse his Mother swaies also much at Court, she brought Sir *Henry Montague* from delivering law on the *K. Bench*, to look to his bags in the *Exchequer*, for she made him Lord high Treasurer of *England*.

Jacobs asserts in a note that Sir Henry Montagu was "raised to the Barony of Montagu of Boughton in 1621." This is an error. The first Lord Montagu of Boughton (cr. 1621) was Edward (c. 1562-1644) who died a Royalist prisoner in the Tower. His brother Henry (c. 1563-1642), Chief Justice of the K.B., Lord High Treasurer, author of 'Manchester al Mondo,' and father of the Parliamentary General, was created Baron Montagu of Kimbolton and Viscount Mandeville in 1620, and Earl of Manchester in 1626.

Book I., Sect. 2, xi., pp. 110, 111 (1645, p. 13), But you came off with losse of eight men onely, and *Algier* is anothergetts thing now, then she was then, being I beleeve a hundred degrees

stronger by Land and Sea, and for the latter strength we may thank our Countreyman *Ward*, and *Dansker* the butterbag *Hollander*, which may be said to have bin two of the fatallest and most infamous men that ever Christendome bred; for the one taking all *Englishmen*, and the other all *Dutchmen*, and bringing the Ships and Ordnance to *Algier*, they may be said to have bin the chief Rayzers of those Picaroons to be Pirats, which are now come to that height of strength, that they daily endamage and affront all Christendom.

Jacobs, having failed here to test the spelling of the 1737 edition by the earliest, prints the Dutchman's name as *Danskey*. In the Dutch Biographical Dictionary of A. J. van der Aa, he is Simon de Danser. He is, I suppose, the "Simon Danz" of Longfellow's 'Dutch Picture' in 'Birds of Passage,' who

"Singed the beard of the King of Spain,  
And carried away the Dean of Jaen  
And sold him in Algiers.

Book I., Sect. 3, xxxiv., p. 205 (1645, p. 114), To Sir *Robert Napier* Knight, at his house in Bishops-gate-street, from *Madrid*.

"Aubrey" writes Jacobs "has a long account of him, *Misc.* 90, 159-61. A life of him in Anthony à Wood."

This is all wrong. The "Sir Richard Napier, M.D., of London," of whom a very short story is told at page 90 of John Aubrey's 'Miscellanies' (the paging is that of the reprint in J. Russell Smith's 'Library of Old Authors') is Sir Richard Napier, Knight, a son of the Sir Robert mentioned above. Aubrey's account at the second reference is of Sir Robert's brother, Richard Napier or Napper (1559-1634), the astrologer and pupil of Simon Forman, who was rector of Great Linford, Bucks. There is no life of Sir Robert Napier in Wood's 'Athenae.' He is mentioned once (vol. ii. ed. Bliss, p. 103), and then merely as the father of the astrologer, in which same capacity he is mentioned again (ii. 47) in Wood's 'Fasti Oxonienses.' There is another Robert Napier in the 'Fasti,' but he graduated as B.A. in 1562, and was afterwards Chief Baron of the Exchequer in Ireland. On the other hand, the 'Athenae' has an account (ii., 103, 104) of Richard Napier the astrologer, towards the end of the life of Simon Forman, and he is mentioned in the life of John Dee (iii., 292) and in a footnote to that of Kenelm Digby (iii., 688). Other Napiers are noticed by Wood, but enough has been said to justify our suspicion that Jacobs here, as elsewhere, did not pursue his researches beyond an index and deliberately flung a pack of references in the face of his readers.

For the Sir Robert Napier (1560-1637) of this letter see the 'D.N.B.'

Book I., Sect. 4, x., p. 223 (1645, p. 14), Ther be summons out for a Parliament, I pray God it may prove more prosperous then the former.

Jacobs's note is "The summonses were issued by Williams on Dec. 16, 1625. Gard. V. 37, D'Ewes, *Autob.* i. 275 gives 11th July as the date."

A more careful reading of D'Ewes would have shewn that his date is that of a different event. "On Monday, the 11th day of July, the Parliament was adjourned to Oxford, to begin there on the 1st day of August." On p. 279 D'Ewes writes, "For the present Parliament, which had been adjourned or prorogued on July the 11th, at London, to begin again at Oxford on August the 1st, was now suddenly and unexpectedly dissolved, to the great grief of all good subjects that loved true religion, their King, and the Commonwealth."

Book I., Sect. 5, xvii., p. 268 (1645, p. 24), My Lord President is still indispos'd at Dr. *Nappiers*.

Book I., Sect. 5, xix., p. 269 (1645, p. 24), My Lord continues still in cours of Physic at Dr. *Nappiers*.

In notes on these two passages Jacobs refers to an earlier note, on I. 5, xv., where he identifies a "Mr. Napier" as Richard Napier (1607-1676) afterwards Sir Richard, the eminent physician. But the letters in which 'Dr. Nappier' is mentioned are dated 1629, when the future Sir Richard Napier was a very young man. He received a licence to practise medicine in 1633. There can be no doubt that the Dr. Nappier was Sir Richard's uncle, the astrologer Richard Napier or Napper (1559-1634), who was rector of Great Linford, Bucks. He is here termed "Dr." as being a practitioner of medicine. He received a licence in 1604. See Sir Sidney Lee's life of him in the 'D.N.B.' "His medical patients included Emmanuel Scrope, eleventh Baron Scrope of Bolton and Earl of Sunderland, who resided at Great Linford in 1627." Sunderland is, of course, the Lord President of Howell's letter.

Book I., Sect. 5, xxiii., p. 273 (1645, pp. 27, 28),

*Vpon black eyes, and becoming frownes,*

*A Sonet.*

Stanza iv., lines 1-4,

*O powerfull Negromantic eyes,  
who in your circles strictly pry,  
Will find that Cupid with his dart  
In you doth practise the black art,*

Jacobs, by following the 1737 edition in spelling *Necromantic*, mercilessly destroys the point of these lines.

"Necromancy, orig. divination by raising the dead, corrupted into MedL. *nigromantic*, F. & E. *nigromancie*, and translated as *black art*." Ernest Weekley, 'Etymological Dictionary of Modern English.'

Book I., Sect. 5, xxvii., p. 278 (1645, p. 33), But I beleeve the King of *Denmarc* far'd the better, because he is Granchild to *Charles* the Emperours sister.

Charles V.'s sister Elisabeth married King Christian II., "a very rash, unwise, explosive man" (T. Carlyle). He was no ancestor of Christian IV. but first cousin to his grandfather, Christian III.

Book I., Sect. 5, xxxiii., p. 284 (1645, pp. 39, 40), Ther is little newes at our Court, but that ther fell an ill-favoured quarrell 'twixt Sir *Kenelm Digby*, and Mr. *Goring*, Mr. *Jermin*, and others at St. *Iames* lately about Mrs. *Baker*, the Mayd of honor, and Duels were like to grow of it, but that the busines was taken up by the Lord Treasurer, My Lo. of *Dorset*, and others appointed by the King.

On the date of March 1st, 1630, which Howell added to this letter Jacobs observes "This conflicts with the account given by Sir K. Digby of the same duel in which H. was wounded and, as Digby alleges, cured by his 'sympathetic powder.' See Suppt. Doc. xxii. and notes, in which I show that H.'s account is the more probable—for once." Document xxii. of the Supplement is an extract from R. White's English translation of Sir K. Digby's 'Late Discourse . . . touching the cure of Wounds by the Powder of Sympathy' (the discourse appeared both in French and English, says Jacobs, during Howell's lifetime). In his notes on this document Jacobs writes "There can be little doubt that Digby is describing the same duel mentioned by Howell, *supra*, p. 284." Now the duel of which Digby speaks was one between two of Howell's friends, in trying to separate whom Howell himself was wounded. But on page 284 Howell only mentions "an ill-favoured quarrell" which might have resulted in duels, only it didn't.

Book I., Sect. 5, xxxviii., p. 288 (1645, p. 44), The maine of the Embassy is to condole the late death of the Lady *Sophia* Queen Dowager of *Denmarck* our King's Granmother : She was the Duke of *Mecklenburgs* daughter, and her husband *Christian* the third dying young, her portion which was forty thousand pound was restor'd her, and living a Widdow forty four yeers after . . . she was reputed the richest Queen of Christendome.

Though Howell had accepted the appointment of Secretary to this Embassy, he had not yet mastered the relationships of the Danish Court. Sophia, Charles I.'s grandmother, was the widow, not of Christian III., but of his son, Frederick II. "Il [Frédéric II.] finit par épouser la princesse mecklenbourgeoise *Sophie*, qui était douée d'éminentes facultés intellectuelles et qui fut mère de *Christian IV.*" C. F. Allen, 'Histoire de Danemark' (transl. E. Beauvois), 1878, ii., 29.

Christian III.'s queen was Dorothea of Sachsen-Lauenburg.

Book I., Sect. 6., xvi., p. 318 (1645, p. 29), My Brain was ore cast with a thick clow'd of melancholly, I was becom a lump I know not of what, I could scarce find any palpitation within me on the left side ;

See Juvenal, Sat. vii., 159-160,

. . . laevae parte mamillae

Nil salit Arcadico iuueni.

Howell is apparently recalling this and adopting the Roman view in which the heart was the seat of intellect.

Book I., Sect. 6, xxii., p. 325 (1645, p. 37), One sent me lately from *Holland* this Distic of *Peter van Heyn*, which savours of a little profanes.

Roma *sui sileat posthàc miracula* Petri,  
 Petrus *apud* Batavos *plura stupenda facit*.  
 Let *Rome* no more her *Peter's* Wonders tell,  
 For Wonders, *Hollands Peter* bears the bell.

The author of the distich remembered his Martial, 'Epigrammaton liber' ('Liber spectaculorum') i., 1,

Barbara pyramidum sileat miracula Memphis.

Book I., Sect. 6, xxvii., ll. 9, 10 of the Decastich, p. 329 (1645, p. 42),

*This Wine is still one-eard, and brisk, though put  
 Out of Italian Cask in English Butt.*

For one-eared wine see Rabelais, I., chap. 5, "O le gentil vin blanc ! et, par mon ame, ce n'est que vin de taffetas.—Hen, hen, il est à une aureille, bien drappé et de bonne laine."

"*Of one ear*" refers to the jar, which, as holding the best wine, would be smaller and have only one handle or ear," W. L. Smith.

We may compare Greek and Latin usage, the English "Little pitchers have long ears," etc.

Litré offers an entirely different explanation.

"Vin d'une oreille, le bon vin ; vin de deux oreilles, le mauvais ; on appelle ainsi le bon vin, parce que le bon vin fait pencher la tête de celui qui le goûte d'un côté seulement ; et le mauvais vin, parce qu'on secoue la tête et par conséquent les deux oreilles (c'est l'explication donnée par de Brieux)," 'Dictionnaire de la Langue Française,' tome ii., p. 853, col. 1.

Under "Ear," substantive 1, I., 9, the 'N.E.D.' quotes "[the wine] is of one eare, well wrought and of good wooll" from Urquhart's *Rabelais* 1, v., but only says "A French idiom of obscure origin." Elsewhere, under "one-eared" *a.*<sup>2</sup>, it suggests that "one-ear'd" in this passage of Howell is an error for "one-yearred." Jacobs, in whose text we get *un-ear'd*, refrains from comment.

Book I., Sect. 6, xlii., pp. 351–52 (1645, p. 67), The Archb. of *Canterbury* was lately outrag'd in his House by a pack of common people.

For the incident Jacobs refers to "Evelyn, *Life of Laud*, p. 425." There is no such work. For "Evelyn" read *Heylyn*.

Book I., Sect. 6, lii., p. 361 (1645, p. 75),

To Mr. *John Batty*, Marchant.

SIR,

I receiv'd the Printed discours you pleas'd to send me, call'd

the *Marchants Remonstrance*, for which I return you due and deserved thanks.

"This letter," says Jacobs in a note, "was prefixed to Batty's book," and he adds that "according to Bliss, *Athenae*, iii., col. 752, it ['the Merchant's Remonstrance'] was published in 1648, *i.e.*, three years after the first book of H.'s letters—which is absurd." Now, what are the facts? In the first place, this letter was not prefixed to Batty's book, as can be seen at once by anyone who takes the trouble to examine that work. On what evidence does Jacobs hazard a statement, the falsity of which is so evident? He read the following, which is among Bliss's additions at the end of the list of Howell's works in the *Athenae* (iii. 752): "James Howell wrote a prose address to his much esteemed friend Mr. [John] Battie, prefixed to that person's *Merchant's Remonstrance*, 4°, 1648," and lightly leaped to the conclusion that this "prose address" was the same as I., 6, lii., of the 'Epp. Ho-Eliaenae.'

'The Merchants Remonstrance. . . . By I. B. of *London Merchant*' was published in February, 1644.

Howell has dated the letter in which he returned thanks for a presentation copy 4 May 1644. In a "Revived and enlarged" form the work appeared in 1648, with the author's name on the title-page. It was to this edition, as Bliss says, that Howell's "prose address" was prefixed, and here it is:

To my much esteemed Friend Mr. *Battie*.

SIR,

I perused with no lesse profit then pleasure your manuscript, wherein you discourse with so much judgement of Trade; discovering the causes of the present impairment thereof, and how it may be improved hereafter: Whereby I find that a *publike soule*, and the affections of a good Patriot dwell in you; things, God-wot, which are rarely found now in *England*, such is the hard fate of the times, wherein men scrue up their braines, and stretch all their sinews to draw water to their own Mills only, though to the prejudice of the Common-good: But they are much out of their account, who think, that private fortunes can long subsist, if the publike begin to languish; unlesse a care be had of *Ware River*, *Middletons* pipes will run but poorly, and every one will find it in his private Cisterns.

This Tract of yours may serve for a true prospective to the English Merchant to see the visible calamities that are already upon him; as also for a Larum bell to awake his slumbring spirits to a timely prevention of farre greater; And well fare your heart for it: So I rest

Your faithfull friend to dispose of

*James Howell.*

Book I., Sect. 6, liii., p. 364 (1645, p. 79), The Lord *Aubeny* hath an Abbacy of one thousand five hundred Pistols a yeer given him yeerly there, and is fair for a Cardinalls Hat.

He has the more recognisable spelling *Aubigny* in Jacob's text, but there is no attempt at identification. See, however, G.E.C.'s 'Complete Peerage,' new ed., vol. I., pp. 330-331. Ludovic Stuart, Seigneur d'Aubigny (1619-1665) was a younger son of Esmé Stuart, Seigneur d'Aubigny (c.

1579-1624), Earl of March 1619, who succeeded his elder brother as Duke of Lennox in 1624. Ludovic took orders and was appointed Abbé of Haute Fontaine and a Canon of Nôtre Dame at Paris. He did homage to Louis XIV. for the Seigneurie of Aubigny in 1656. He was Chief Almoner to the Queen Dowager of England, and died at Paris, Nov. 11, 1665, a few days after he was nominated a Cardinal.

Book II., ix., p. 387 (1647, p. 23), And 'tis a thing of wonderment how at her very first growth, she flew over the heads of so many interjacent, vast Regions into this remote isle so soon, and that her rayes should shine upon the crown of a British King first of any, I mean King *Lucius*, the true Proto-Christian King in the dayes of *Eleutherius*, at which time she receav'd her *propagation*; but for her *plantation* she had had it long before by some of the Apostles themselves.

Jacobs's note on "Apostles" is "A reference probably to Joseph of Arimathea and his bringing the Holy Grail hither." But Ussher in the first chapter of his 'Britannicarum Ecclesiarum Antiquitates' (1639) collects passages in which writers speak of visits to the British Isles by James the son of Zebedee, Simon Zelotes, Simon Peter, and St. Paul.

Book II., xli., p. 433 (1647, p. 105), But *εἰστέον καὶ ἐλπιστέον* I hope I shall not sink under the burden, but that we shall be both reserved for better dayes, specially now that the King (with the *sun* and the *Spring*) makes his aproach more and more towards us from the North.

In the 1st edition of Book II., the Greek suffered as above. As may be seen from Jacobs's text, *οἰστέον* has come into its own, but from 1650 onwards *ἐλπιστέον* shed its *λ*, and appears in this disguise in Jacobs's text and in that of the 'Temple Classics' edition. According to Jacobs, the expression here and in xxxvii. about the King's approach is "probably a reference to Charles I.'s being brought south after being sold at Newcastle, Jan. 1647." The two letters are dated respectively the 3rd of August, and the 1st of May, 1645. But, granting that Howell was occasionally reckless in appending dates to these letters, there is a further difficulty. His brother, to whom the present letter is addressed, died in 1646.

Book II., liii., p. 448 (1647, p. 129), . . . and in a sweet and well devoted harmonious soul, *cor* is no other then *Camera Omnipotentis Regis* 'tis one of Gods closets.

Whoever originated this interpretation of *cor* may merely have been indulging his acrostical ingenuity, but it might well have ranked at one time among serious etymologies, like that of *cadaver* from *caro data vermibus*, taught by Alexander Neckam and accepted, it would seem, by Sir Edward Coke, if not also by a judge in the nineteenth century. See *Notes and Queries*, 9th Series, ix., 188, 490, and xi., 18.

Book II., lxiv., p. 490 (1647, p. 214), Insomuch that you could not make choice of a fitter ground for a Prisoner, as I am, to passe over, then of that *purple Isle*, that *Isle of man* you sent me, which as the ingenious Authour hath made it, is a far more dainty soyle then that *scarlet* Island which lies nere the *Baltic* Sea.

In a former note (*Aber. Studies*, vi., p. 40) I suggested that the Scarlet Island was Heligoland with its red cliffs. I was utterly mistaken. The island is undoubtedly Hven in the Sound, where Tycho Brahe at one time had his observatory. I copy the following legend of its title.

"All Strangers call it the *Scarlet Island*, and so do all Sea-faring Men. I never could meet with any thing in my Reading that gave the Reason of this Name: The Account I had of it at *Copenhagen*, and which you will take care to Forget, if it seems Impertinent to you, was this: It's said that Queen *Elizabeth*, supposing this Island would be of great Advantage to her, upon the Account of the Trade of the *Baltick*, proposed to buy it of *Frederick* II. and the Bargain was made, for as much Scarlet Cloth as would cover the Island, (which was very absurd) or rather for such a quantity of Scarlet; but that notwithstanding this exorbitant Price, the King coming to reflect upon what he had done, and willing to elude the Bargain, his Fool found a way to do it, by saying, that he quitted all Claim to the Island, for the quantity of Cloath that had been agreed on; but that the *English* must carry it away a long with them, for the King could not suffer another Nation to come and settle so near his Capital City. But besides that this Evasion did not at all become a King, the whole seemed to me to be so Simple and Trifling, that I shall say no more of it."

'Travels through Denmark and some Parts of Germany: By way of Journal in the Retinue of the *English* Envoy, in 1702. . . . Done into *English* from the *French* Original.' London, 1707, page 158.

The Envoy was James Vernon (*d.* 1756) son of the Secretary of State of the same name. The French writer was M. de la Combe de Vrigny.

Carlyle provides a parallel in his account of the splendours of the first King of Prussia's coronation:

"Streets were hung with cloth, carpeted with cloth, no end of draperies and cloth; your oppressed imagination feels as if there was cloth enough, of scarlet and other bright colours, to thatch the Arctic Zone."

'Frederick the Great,' book I., chap. v.

Book II., lxxi., p. 496 (1647, p. 224),

Captain *Don Tomas*,

Could I write my love unto you, with a *ray of the Sunne*, as once *Aurelius* the *Romane* Emperour wish'd to a friend of his, you know this cleare horizon of *Spain* could afford me plenty, which cannot be had so constantly all the seasons of the yeare in your cloudy clyme of *England*.

The earliest example given by the 'N.E.D.' of such a phrase as "to write with a ray of the Sun" is from a sermon of John Jortin's (1698-1770), "The great duties of life are written with a Sun-beam," which is quoted under *Sunbeam*, 1c. But Tertullian 'De resurrectione carnis,' *cap.* 47,

has "Age iam, quod ad Thessalonicenses ipsius solis radio putem scriptum . . .". See *Notes and Queries*, vol. 148, p. 301.

Book III., xxiii., p. 550 (1650, p. 39), Ther is a famous story of such a paction which Fryer *Louis* made som half a hundred yeers ago with the Devill in *Marseilles*, who appear'd to him in shape of a Goat. . . .

The story is told in François de Rosset's 'Les Histoires tragiques de nostre temps,' Hist. II., pp. 38-81 (in ed. 3, Lyons, 1623) 'De l'horrible et espouuantable sorcelerie de Louys Goffredy Prestre de Marseille.' The paction is described on p. 43, "Cedule mutuelle s'en fait. Ce maudit escrit de son sang la sienne, & Sathan l'autre de sa main."

Book IV., v., p. 563 (1655, p. 11), The Naturalists observe, that morning spittle kills *Dragons*, so *Fasting* helps to destroy the *Devil*, provided it be accompanied with other acts of devotion.

To Jacobs's references may be added the 'Symbola et Emblemata' of Joachim Camerarius (II.), Centuria IV., lxxxvi.,

Emoritur serpens hominis contacta saliva :

Hei mihi quam magnum sobrietatis opus !

Book IV., vii., p. 569 (1655, p. 20), Moreover, in coupling women by way of Matrimony, it would be a good Law, and consentaneous to reason, if out of all Dowries exceeding 100 l. ther should be *two* out of every *cent* deducted and put into a common Treasury for putting off hard-favor'd and poor Maids.

Howell may have taken a hint from Herodotus, i., 196.

Book IV., ix., p. 573 (1655, p. 24),

*To Sir R. Williams Knight.*

Jacobs has a note on the name : "Can scarcely be the Sir Roger Williams of Elizabeth's time unless this is a very early letter." It would indeed be an example of epistolary precocity, seeing that the Elizabethan Sir Roger died in 1595, while Howell was born at the earliest in 1593.

Book IV., x., p. 574 (1655, p. 26), Your Letters are like *Christmas*, they com but once a yeer.

There was no occasion for Jacobs to argue from this that the proverb "Christmas comes but once a year" must have been current in Howell's day. It is, presumably, much older. See, e.g. the mention in Henslowe's Diary (ed. W. W. Greg) of "a playe called cryssmas comes bute once ayeare" by Dekker, Chettle, Heywood, and Webster, (f. 118), and the passage of Tusser given in W. Gurney Benham's "Book of Quotations."

Book IV., xl., p. 627 (1655, p. 95), I heartily congratulat your return to *England*, and that you so safely cross'd the *Scythian*

*Vale*, for so old *Gildas* calls the *Irish* Seas in regard they are so boystrous and rough.

Jacobs, who misquotes Howell in his note, says "H. gets this from Usher. *Primordia*, 442." This is a wrong reference. On p. 442 of Ussher's 'Britannicarum ecclesiarum antiquitates' ('De ecclesiarum Britannicarum primordiis') (1639), the name *Gildas* is mentioned, but there is nothing about the Irish Seas. It is on p. 606 that Ussher quotes from *Gildas* the account of the invasion of Britain by the Picts and Scots. When the Romans left the country, "emergunt certatim de curucis quibus sunt trans Scythicam vallem evecti (quasi in alto Titane incalescentequae caumate de artissimis foraminum caverniculis fusci vermiculorum cunei) tetri Scotorum Pictorumque greges moribus ex parte dissidentes, & unâ eademque sanguinis fundendi aviditate concordēs," etc., etc.

As will be seen by Joseph Stevenson's edition of *Gildas*, there is a difficulty about the reading of the adjective before *vallem*. Stevenson prints *Cichicam*.

Book IV., l., p. 645 (1655, p. 120), By the expiration of such Atomes the dogg finds the sent as he hunts, the Pestilence infects, the Loadstone attracts iron, the *Sympathetic* powder or *Zaphyrian* salt calcin'd by *Apollinean* heat, operating in July and August till it com to a lunary complexion, I say, by the vertu and intervention of such atomes, 'tis found that this said powder heales at a distance without *topically* applications to the place affected.

On "*Zaphyrian* salt" Jacobs remarks "I have not met with this name for it." But my friend Mr. Bertram Lloyd has pointed out to me a passage in Nath. Highmore's 'The History of Generation' etc. (1651), a book mentioned by Jacobs in a note on "*Dr. Highmore*" in this same letter: "First, the Medicine is made of a *Zaphyrian* Salt, calcined by a celestial fire, operating in Leo and Cancer, into a Lunar complexion," pp. 124, 125.

I am further indebted to Mr. Lloyd for invoking the aid of an expert—Mr. H. Stanley Redgrove, who has most kindly furnished the following note:

"I think it certain that by '*Zaphyrian*' Howell means 'blue.' *Zaffer* is and was the name given to a substance obtained by roasting certain mineral ores in the air with sand or quartz, used for the manufacture of smalt—a blue pigment. It is now known to be an impure basic arsenate of cobalt and its peculiar property of colouring glass blue is due to the presence in it of this metal, cobalt. Cobalt, however, was unknown in Howell's day.

"There are several spellings of the word '*zaffer*,' one being '*zaphara*.' The word is of Arabic origin and is most probably derived from the same root as '*sapphire*.'

"*Zaphyrian* salt should properly mean a salt obtained from *zaffer*. But in Howell's day the naming of chemical substances, even by those devoted to the study of Alchemy, was exceedingly unsystematic. Chemical substances were grouped together in accordance with their most obvious and superficial properties—colour being a good case in point. Thus

'Zaphyrian salt' would mean simply 'blue salt'—the blue salt in question being blue vitriol (copper sulphate pentahydrate,  $\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$ ).

"As a matter of fact the Powder of Sympathy appears usually to have been impure green vitriol (green vitriol is ferrous sulphate heptahydrate,  $\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$ ) or this substance desiccated by the sun's rays (Howell's 'Apollinean heat')—whereby it is more or less transformed into basic ferric sulphate—mixed with gum tragacanth.

"In Howell's day, however, blue and green vitriols were frequently confused one with the other; and the common green vitriol almost invariably contained blue vitriol as an impurity. The Powder of Sympathy was a supposed cure for wounds. The wound was kept clean and cool, whilst the powder was applied, either dry or dissolved in water, to any article that might have blood from the wound upon it." See also Mr. Redgrove's "Bygone Beliefs" (1820), pp. 47–56.

Book IV., *ad finem*, p. 647 (1655, p. 123),

*Gloria Laus Deo Saeculorum in saecula sunt.*

A Doxological Cronogram including this present year, MDCLV. and hath numeral letters enough to extend to the year nineteen hundred twenty seven, if it please  
God this World shall last  
so long.

As printed in 1655 this chronogram was not only unmetrical, but the number which it gave was not 1927 but only 1922. The remedy for both these defects was, obviously, to insert *que* after *Laus*. But it was stupidly treated by printers or editors, and appeared in 1737 as

*Gloria Lausq; Deo Saeculorum in saecula sunt.*

This equally unmetrical form was reproduced by Jacobs except that *q*; was apparently not recognised as an abbreviation of *que*, the; being treated as a semicolon.

In 'Θῆρολογία. The Parly of Beasts; or, Morphandra Queen of the Enchanted Iland' (1660), p. 152, Howell has the following:

"*Gloria lausque Deo sæCLorVM in sæcVla sunt.*

A Chronogrammaticall Verse, which includes not onely this year 1660. but hath *Numericall* Letters enow to reach above a thousand years further, untill the year 2867."

There is an error here. The figures should be 1927.

EDWARD BENSLEY.

#### *Corrections.*

*Aber. Studies*, vol. iii., p. 31, line 9 from bottom, I am sorry to have quoted 'Hudibras' incorrectly. The couplet should, of course, be

Nature has made Mans breast no *Windores*,  
To publish what he does within doors.

*Aber. Studies*, vol. vi., p. 29, line 9. It was not Swinburne, as I wrote in my haste, who reproached Farrar with elongating the Gospels. It was Sir George Radford in his Essay on Falstaff, contributed to the first series of Mr. Birrell's 'Obiter Dicta.'



## SOME ARTHURIAN MATERIAL IN KELTIC

WHATEVER may be the truth with regard to the exact origin of the material comprehended in the Arthurian legend, it is probable that, even before the coming of its great vogue, it had absorbed a variety of elements. Still, wherever it is found, there are included in it certain peculiarities which seem to connect it with a Keltic-speaking territory. If some of its constituents came originally from the East, or from Teutonic territory, which may well have happened, nevertheless it seems necessary to explain why so many of the more significant names in it are either Keltic, or of such a form that they can be shown to have been modified by Keltic speakers. This fact, whereas it may not completely determine the question of origins, shows that, at least, the legend had, as the starting-point of its spread, a Keltic-speaking territory. This is amply borne out by a cursory study of the names, both of persons and places, involved. Rhys pointed out, for instance, that *Morgan le Fay* is probably developed, with a change of sex into the bargain, from *Morgant Hud*,<sup>1</sup> while Loth cites Irish evidence that the form *Morgan Tŷd* could also have had the same meaning.<sup>2</sup> I believe it has already been suggested somewhere that *Ban of Benwick*, in Malory and elsewhere, is simply the Welsh *banw*, a sow, and its diminutive *benwig*, become a king and a kingdom. The form *Meliagaunce* or *Meliagraunce* is equated by Rhys with *Melwas*. The story of the character in Malory corresponds to Welsh references to *Melwas*, and a Goidelo-Brythonic doublet, written *Mailguas*, could easily have resulted in the jumbled French equivalents. A Welsh form of *Lancelot* is *Eliwlad*, which may be, in modern pronunciation and spelling, *Elyflath*, of which *Lancelot* is a kind of rendering, just as, in turn, the later Welsh *Paladrddellt* is a version of the French form. Cp. also *Galath*, which may include the same element—*llath*, and which in fifteenth-century Welsh, as the metric shows, conserves

<sup>1</sup> *Arthurian Legend*, Oxfd., 1891.

<sup>2</sup> *Mabinogion*, etc.

the earlier accent *Galáth*. Thus an inquiry into the history of the legend in Keltic would seem really to form the basis of the study, and to involve more than the merely incidental consideration of existing texts. I am well aware that such an enquiry can hardly claim to be complete at the present time, more especially with regard to Irish material, because the amount of unexplored manuscript literature in that language is so extensive. The question of the dating of Welsh material involves another considerable difficulty. I have for years, with little support, claimed that, in Welsh, mere linguistic form, as the absolute test of the antiquity of any material, will not stand, more especially with regard to metrical compositions. Before we can claim to have attained anything like a degree of scientific certainty in this matter, we must work out a test in which the effect of a widely-diffused and strictly standardized metrical system, involving detailed rules of alliteration, is subjected to control. It is certain that copying from oral recitation was very common, and that scribes did not hesitate to complete and to modify what they took to be incomplete or faulty originals.

The material summarized in the following pages gives the content of lectures on the subject delivered to students in the Departments of Welsh and French at Aberystwyth. It necessarily includes some points already discussed by others, but the conclusions here drawn are, I think, supported by the examination of material not hitherto considered, at least in detail.

The attempts hitherto made to prove the historicity of King Arthur appear to me to be weak. The earliest reference to his name to be found in what are called 'historical' documents occurs in a compilation known as '*Historia Brittonum*,' which may have been begun, by someone, as early as the seventh century, and to which additions are believed to have been made by Nennius, towards the end of the eighth or in the early part of the ninth century.<sup>1</sup> Briefly, the so-called Nennian material states that Arthur, after the death of Hengist, fought against his son, Oetha, and the Saxons, defeating them in twelve battles, and especially at the twelfth, the battle of Mons Badonis. This statement suggests that Arthur himself was not a king ('*Tunc Arthur pugnabat contra illos in illis diebus cum regibus Brit-*

<sup>1</sup> In 822, according to A. de la Borderie, *L'Historia Britonum*, etc., Paris and London, 1883; 796 according to Zimmer, *Nennius Vindictus*, Berlin, 1893.

tonum, sed ipse dux erat bellorum'). There have been some ingenious comments upon this statement, by Rhys and others, and the suggestion is made that Arthur was a Brythonic equivalent of the former *comes Britanniae*, an officer who, in Roman times, appears to have had supreme charge of the defences of the country. In Welsh, Arthur is called 'Yr Ymherawdyr Arthur' (= *imperator*), and Rhys suggests that after the Roman occupation had ceased, the title may have been given to the military officer in charge of the defence of the island. I think myself that 'Ymherawdyr' is a later title, or, at any rate, that its occurrence is not of much significance, in view of the habit of the Welsh bards of bestowing such titles upon their patrons, at a later date. What is said of Arthur at one other battle—the eighth, stated to have been fought at the fortress of Guinnion—is of some significance :

'Octavum fuit bellum in castello Guinnion, in quo Arthur portavit imaginem Sanctae Mariae perpetuae virginis super humeros suos, et pagani versi sunt in fugam in illo die, et cædes magna fuit super illos per virtutem Domini nostri Jesu Christi, et per virtutem Sanctae Mariae virginis genetricis ejus.'

The *Annales Cambriae* (oldest manuscript completed in 954 or 955) has ' . . . Arthur portavit crucem Domini nostri . . . in humeros suos.'

It has been pointed out that 'super humeros suos' is probably a mistranslation of Welsh words, stating that Arthur carried a figure of the virgin, or of the cross, on his shield (*iscuit*), as the Welsh for 'shoulder' (*ysgwydd*) would also be written *iscuit* or *iscuid* in early orthography.<sup>1</sup> This at least shows the Welsh origin of the Nennian tradition. William of Malmesbury, writing in 1125, repeating this tradition, states that Arthur bore an image of the Mother of God 'affixed to his *armour*.'<sup>2</sup> The tradition herein recorded, at any rate, belongs to the Christian period, and might count as slightly supporting the evidence for a historical Arthur, perhaps ; but there is appended to the so-called Nennian story a list of natural phenomena of Britain, called *mirabilia*. One of these wonders is said to have been a stone in the region of Buellt, on which Cabal, the hound of Arthur, had left the print of its foot when Arthur was hunting the *Twrch Trwyd*. If the stone

<sup>1</sup> Rhys, Introduction to *Le Morte D'Arthur*, Everyman's Library, London, 1912.

<sup>2</sup> *Gesta Regum Anglorum*. Ed. Giles, London, 1847.

were removed from the top of the cairn which Arthur had erected beneath it, on the next day it would be found restored to its place.<sup>1</sup> Another wonder is said to have been the grave of Amir,<sup>2</sup> a son of Arthur, near a well called Licat Amir, in the region of Ercing. This tomb is said never to have measured twice the same length. 'Et ego solus probavi,' adds the writer.

We thus see that, even here, there are magic elements connected with the name of Arthur—he hunts an enchanted boar, has a marvellous hound, builds a magic tomb, and slays 960 men with his own hand at the battle of Badon Hill ('et nemo prostravit eos nisi ipse solus').

It is somewhat remarkable that Gildas, who is believed to have written about the year 547, does not mention Arthur or his battles. It has been suggested<sup>3</sup> that Gildas' 'Roman' tendencies would account for his omission of the names of any leaders of the independent Britons. I must say this appears to me to be a somewhat weak suggestion, bearing in mind the character of the work of Gildas. As far as we can reckon it at all, Gildas' silence with regard to Arthur must be allowed to be evidence against the historicity of his fame. The passage in the Nennian material, then, forms some kind of evidence of there having been a person named Arthur, who led the Brythons in the fight against the Saxons. This is weak, because written in the ninth century, whereas Gildas, writing in the sixth, gives no evidence. Only indirect testimony can be added to this.

William of Malmesbury<sup>4</sup> says that Ambrosius, a Roman general, aided by Arthur, opposed the Saxons after the death of Vortigern. He repeats the legend of the slaughter of nine hundred men by Arthur alone at Mount Badon, but certainly emphasizes his own belief in the historicity of Arthur:

<sup>1</sup> Accounts of stones similarly resisting removal from their original position are common in Welsh folklore. (See Peniarth MS. 163 (8b) for instance.) Also of stones bearing the footprints of horses and dogs.

<sup>2</sup> *Rhys, op. cit.*, points out that the form *Amhyr* occurs as a man's name in 'that manuscript,' but it is not clear what MS. is meant. He also states that *Amyr* occurs in the Lib. Land., and *Amhar* as the name of a son of Arthur in *Gereint ac Enid*. In the romance mentioned, *Amhar* is one of the four servants who guard Arthur's bed. I know of no other instance of the name. The form is found as an adjective, meaning incomparable, in the Gogynfeirdd poems, evidently *an + par*.

<sup>3</sup> W. Lewis Jones, *King Arthur in History and Legend*, London, 1914.

<sup>4</sup> *Op. cit.*

‘It is of this Arthur that the Britons fondly tell so many fables, even to the present day ; a man worthy to be celebrated, not by idle fictions, but by authentic history. He long upheld the sinking state, and roused the broken spirit of his countrymen to war.’ :

About the time this was written, a Welsh official bard, Phylip Brydydd, was bringing charges of inventing ‘idle fictions’ against the Norman minstrels of the period and some of their Welsh imitators. As I have shown elsewhere, his poem refers by name to a certain Bleiddri,<sup>1</sup> the only Welsh reference yet discovered to the Bledericus mentioned by Giraldus Cambrensis. Phylip’s claim, most distinctly, is that the Welsh bards of his own class, the Court Bards of the Welsh Princes, that is, only related historical truth. And certainly, there is no romancing in the poems of these official bards which would in any way warrant the charge of William of Malmesbury. In their poems,<sup>2</sup> we frequently find the name of Arthur, to whom they compare their own patrons, in passages of the following type :—

‘Rampart of hosts, defender of Wales was he,  
Shield-shorn like Arthur, the mighty-voiced slayer of men.’  
—Bleddyn Vardd, to Rhys ap Maredudd, 141. 2.

‘Steel-bearing, like unto Arthur, the wall and the key of hosts,  
Now, where once he was found, is the wonder of wealth no more.’  
—Casnodyn, to Madawc, 173. 2.

‘Red was his keen steel blade, ere that he was graved in oak,  
A spear that gave Arthur’s thrust, he, the raging wolf of war.’  
—Casnodyn, to Madawc, 172. 2.

‘Like unto sovereign Arthur, whose temple shone with gold,  
He, at Kelliwig, whose court was the noble cell of the muse.’  
—Meuric ap Ierwerth, to Hopcyn ap Tomas, 217. 2.

‘Minstrels, as, long ago, they went to the court of Kelliwig,  
To him who is glory of men, on great Martian steeds, they go ;  
Steeds grey-speckled are they, coloured like unto the sewin,  
Damp-nostrilled, bit-champing steeds, with foreheads harnessed in gold.’

—Cynddelw, to Owain Gwynedd, 40. 2.

‘The best is he of all lords ever born  
Since Arthur free-giver, the ruler of hosts ;  
His gold he strews in the lap of bards  
Like fully ripe fruit from trees.”

Llywarch ap Llywelyn, to Rhys Gryg, 96. 1.

<sup>1</sup> *Bardism and Romance*, Cymmrodorion Series, 1915.

<sup>2</sup> *Poetry of the Gogynfeirdd*, Denbigh, 1909.

There are many other references, in which the name of Arthur is simply bestowed as an epithet of praise upon the bards' own patrons. He is evidently regarded as having been a historical person, of whom stories were well known to those who may be supposed to have listened to the singing or declaiming of the poems. A Welsh reference to a son of Arthur called Amhar has already been quoted. The bards mention another son, Llacheu, whose name seems to be found in Welsh material only. There are about a dozen references to him in the poems of the Court Bards, mostly of the epithetical character, but one reference seems to suggest that his death may have been the subject of a legend—

‘He was a brave youth, what time he was slain in blue-enamelled arms, as Llacheu was slain at Llechysgar.’

So far, I have found only two or three other references to the death of Llacheu, which will be mentioned later. The battle of Mount Badon is also mentioned several times, by Cynddelw Brydydd Mawr and others, as having been equalled in slaughter by the battles of their patrons. This is an instance from Cynddelw :

‘The action of the Battle of Badon was shown in the day of the victorious dragon’s anger ; a track of shield-cleaving and shattering, a path of hewing down with red blades.’

There is no evidence whatever in these poems that the bards believed the tradition that Arthur was not dead, and that he would one day return to free his people from bondage. Such a belief is attested as having existed in Cornwall in the twelfth century,<sup>1</sup> but in one elegy by Cynddelw (1150–1200), it is stated that Arthur, along with other famous warriors, such as Cæsar, Brân vab Llyr, Hercules and Alexander, had died just like other men. Llywarch ap Llywelyn (1160–1220), in an elegy to Maredudd ap Kynan, says :—

‘Maredudd also is dead, as is sovereign Arthur.’

If there were British bards, who ‘fondly fabled’ that Arthur was not dead, then judging by what has come down to us, they were not Welsh bards. It is, of course, possible, perhaps likely, that such poetry has perished, but it is, indeed, singular how little there is in the poems of the Court Bards that reflects anything like

<sup>1</sup> *Patrologia*, Migne, 156, col. 983.

popular belief and superstition.<sup>1</sup> In one love poem, a reference is made to the love of Arthur for the daughter of Garwy Hir, whose name was Creirwy, and who is mentioned as one of the three most beautiful ladies of Arthur's Court. As far as I am aware, this attachment is not mentioned elsewhere. It is also notable that in this poem Arthur is said to have been from the 'hill-region of Scotland' ('o orthir Prydain,' in the printed text,<sup>2</sup> but I read *Prydyn* as being more likely). A contest between Arthur and a giant named Benlli is mentioned in the same poem. There are two hills named Moel Arthur and Moel Fenlli on the borders of Denbighshire and Flintshire, on both of which there are the remains of ancient strongholds.<sup>3</sup> It may be added that the tradition of the contest between Arthur and Benlli is still current in the district, where the writer heard it from a native in 1907. As the quotations already given show, these poems refer to the Court of Arthur at Kelliwig (formerly supposed by Welsh writers to have been Tintagel, but wrongly so, as may be seen from the map accompanying Loth's admirable work).<sup>4</sup>

The references to Myrddin are also fairly numerous, and he appears in them all as a bard, but the idea of magic is not stressed. One poet, however, mentions his colloquy with his sister Gwenddydd—

'Among the stately bards, each long [summer] day, greater is the extended eulogy of this fair, happy, maid, than [the song made] when Myrddin sang his great secrets to Gwenddydd; and passion is mine if pursuing the extreme joy [of her].'

In the vaticinatory poems, generally not attributed to the Court Bards, and mostly written in a different style, denoting a different class, of course, Myrddin appears as a seer or a prophet.

Medrawd is also mentioned in these poems, but the reference

<sup>1</sup> Peniarth 147 and other MSS. include a tract entitled 'The Death of Arthur,' stated to have been written expressly to combat the 'tales of the Britons, who dispute concerning him and still certify that he is yet alive.' These tales are attributed to 'the Bards of the Isle of Britain,' and the proof of the death of A. is said to have been taken 'out of a book called *The Mirror of the Church*.' The source is the *Speculum Ecclesiae* of Giraldus Cambrensis, chapters VIII.-X. (ed. Brewer, Lond., 1873). The material here is summarized, and does not seem to enable us to fill up the lacunae in Brewer's text.

<sup>2</sup> *Poëtry of the Gogynfeirdd*, Denbigh, 1909.

<sup>3</sup> See Pennant, *Tours*, Carnarvon edn., ii. 26-27, 60.

<sup>4</sup> *Contributions à l'étude des Romans de la Table Ronde*. Paris, 1912.

is always complimentary. One could gather from the poems that he was a great warrior, famous for his courtesy and his address, but there is no suggestion of treachery on his part, though later Welsh verse seems to refer to his treachery, and Dafydd ap Gwilym definitely calls him a Saxon (Medrawd Sais).

It is my opinion that popular belief is not at all represented in the poetry of the official bards of the twelfth century, who were a closed corporation and who probably despised the stories of the lower minstrel class, as material for verse. The Arthurian stories are likely to have been preserved by the people and then told by minstrels who were not of the official bardic class.<sup>1</sup> From such sources they were finally collected by Geoffrey of Monmouth and others. They are not the compositions of the official bardic class of Christian times, but collective creations, tabooed by the missionary monks who first Christianized the Brythons and captured the literary tradition amongst them. Curiously enough, they were afterwards collected by monks, when Christian supremacy was beyond any danger from such material. Yet it is evident, even from what has already been said, that the bards were acquainted with such stories, for their numerous references to the names of Arthur and other characters indicate such an acquaintance—indeed, some of these references must be to stories that have not come down to us.<sup>2</sup> The analysis given below will

<sup>1</sup> Such must have been the Bledericus mentioned by Giraldus and Phylip Brydydd.

<sup>2</sup> Among the names mentioned in the poems are the following (the references are to pages and columns in the *Poetry of the Gogynfeirdd*, which I have used for convenience' sake): Avarwy, 49. 1; 129. 1; 179. 2; Avarwy vab Klys, 45. 2. Angharad Law Eurawc, 192. 2. Alun, 184. 2; 187. 2. Arawn, 185. 1; 188. 2. Beda, 218. 1. Beli, 186. 1; 187. 1; 187. 2; mab Beli, 217. 1. Brân, 102. 1; Brân vab Dyfnwal, 184. 2; Brân vab Llyr, 93. 1. Bedwyr, 129. 1; 183. 1; 212. 1; 217. 1. Benlli, 44. 1; 89. 1; 155. 1; 187. 1. Cadell, 209. 2. Cadw [= Cato], 189. 1; 210. 2; 218. 1. Cadwaladr, 186. 1. Cai, 41. 1; 129. 1; 185. 2; 209. 2; 210. 1; 211. 2; 213. 1. Camlan, 77. 1; 99. 1. Casnar, 49. 1; 62. 2. Caw, 210. 1; 211. 1; 211. 2; 217. 1; Caw vab Erbin, 209. 2. Ceidiaw, 171. 2. Ceridwen, 55. 2; 93. 2; 102. 2; 173. 1. Cilgwri, Mwyalch, 221. 2. Clydno, 189. 2. Creirwy, 220. 1. Cunin, 185. 1. Cynon, 187. 1; 192. 2. Cynyr, 41. 1. Dardri (= Deirdre), 192. 1. Derfel, 208. 2. Dyfnwal, 186. 2. Dyfr, 192. 2. Dygant vab Dôn, 90. 1. Ector, 182. 2; 186. 1; 188. 1. Echel [Achilles], 183. 1; 183. 2; 184. 1; 208. 1; 211. 1. Edyrn, 182. 2. Eigr, 192. 2. cymrawt E., 192. 2; E. eurvoes, 192. 2; E. o Loegr dir, 193. 1; E. anian, 219. 2. Elen Luyddawc, 193. 1; ail E., 219. 2. Elifri, 186. 2. Elffin, 189. 2; 209. 2; 217. 1. Eliwlat, 179. 1.

indicate to what extent the bards were acquainted with romance characters. It was not through lack of knowledge of the stories that they introduced into their poems so little beyond the names of the characters, but rather because of the fact that, according to the Keltic tradition, poetry was a lyrical art, resumptive and allusive in character. This is also borne out by the fact that the metrical romances translated into Irish and Welsh from other languages are in prose. From these facts, one is led to the conclusion that the Welsh material in which Arthur figures to any extent is earlier than the development of the Bardic tradition as reflected in the poems of the Court Bards of the twelfth and thirteenth centuries, and that it is the production of a separate class. Although the official bards' references to Arthur suggest that they regarded him as having been a historical character, Welsh material yields very little in support of his historicity, unless, indeed, we are entitled to say that the strongest evidence for the existence of a historical Arthur is the abundant material dealing with the legendary character.

Eluned, 192. 1 ; 192. 2 ; 216. 2. Emrais, 182. 2. Emyr, 211. 1. Enid, 192. 2 ; 218. 2. Erbin, 177. 2. Eudaf, 186. 1. Evrawc, 179. 1. Euros-wydd, 185. 2. Fferyll [= Virgilius], 208. 1. Fflur, 192. 2. Garwy Hir, 85. 1 ; 101. 2 ; 180. 2 ; 209. 2 ; 211. 2. Gereint, 91. 2 ; 181. 1 ; 186. 1 ; 187. 2 ; 191. 1 ; 212. 1 ; 217. 1. Gleisyr, 56. 1. Greid vab Eri, 53. 2. Gwalchmai, 41. 1 ; 165. 2 ; 173. 2 ; 210. 1. Gwawr Hafddydd, 166. 2 ; 219. 2. Gweir, 181. 2 ; 189. 2 ; Gweir vab Gwestl, 187. 2. Gwenddydd, 214. 1 ; 219. 2. Gwenhwyvar, 218. 2. Gwhyr, 210. 1 ; 221. 2. Gwrleis, 171. 2 ; 185. 2 ; 207. 2. Gwyddneu, 186. 1. Gwynn Gwarther, 182. 1. Gwytheint, 91. 2. Hiriell, 188. 1. Llawfrodedd, 196. 1. Llawrodded, 186. 2. Llevelys, 135. 2. Lleon, 217. 1. Llion, 186. 2. Lludd a Llevelys, 135. 2. Llyr, 102. 1 ; Ll. gedoedd, 181. 1 ; Ll. veidyat, 181. 1 ; Ll. gymrodded, 181. 2 ; cymrawt Ll. 187. 1 ; Ll. bwyll, 190. 1 ; Ll. osgorddion, 185. 1 ; Ll. Lledieith, 213. 1. Llywarch, 208. 2 ; 209. 2. Maelgwn, 188. 2. Matholwch, 54. 1 ; 88. 1. Melwas, 180. 2 ; 208. 2. Mordaf, 186. 2 ; 187. 2 ; 197. 1 ; 208. 2. Morudd, 211. 1. Nudd, 184. 2 ; 185. 2 ; 186. 2 ; 187. 2 ; 189. 1 ; 190. 1 ; 208. 1 ; 210. 2. Olifer, 189. 2 ; arf O., 182. 1 ; gwayw O., 188. 2. Osfran, 186. 1. Ottiel, 189. 2. Peredur, 141. 2 ; 181. 2 ; 184. 1 ; 188. 1. Pryderi, 47. 2 ; 155. 2. Pyll, 213. 1. Rhahawd eil Morgant, 164. 1 ; Rhyawt, 197. 1. Rheged, cun, 190. 2. Rhiannon, 214. 1. Rholant, 186. 1 ; 187. 2 ; 189. 1 ; 212. 1 ; 216. 2. Rhuawn, 186. 1. Rhun, 185. 2. Rhun, 185. 2 ; 186. 1 ; 189. 2 ; 220. 2. Rhydderch, 187. 2 ; 189. 1 ; 211. 2 ; 212. 1. Selyf, 211. 2. Tegau, 192. 2 ; 218. 2. Tryffin, 177. 2. Trystan, 164. 2 ; 179. 1 ; 180. 2 ; 184. 2 ; 189. 2 ; 193. 1 ; 210. 2 ; 220. 2. Twrch Trwyd, 76. 1 ; 185. 1. Thalamon, 209. 2. Ulcesar, 186. 1 ; 187. 2. Uryen, 50. 1 ; 173. 1 ; 185. 1 ; 188. 2 ; 192. 2. Uthr, 192. 2 ; 210. 1 ; 210. 2 ; 211. 2. Yniwl, 188. 1. Ywain, 183. 1.

## THE LEGENDARY FIGURE

In the search for stages in the evolution of the legendary figure, we can begin with Irish material, which conserves a mass of what must have been early Keltic legends and traditions.

Much of the early Irish material is evidently related to some of the contents of the Welsh tales and romances, referred to later, but there seems to be no mention of Arthur in anything of undoubted antiquity in Irish. A manuscript list of Irish tales mentions an 'Aigidecht Artuir,' but of this Thurneysen says:

'Es ist zweifelhaft, ob der Titel *Aigidecht Artuir* in der Sagenliste A ein Versehen für *A. Athirni* ist oder eine verlorene Sage bezeichnet.' <sup>1</sup>

'Acalamh na Senórach,' <sup>2</sup> early material known to us in comparatively late MSS. (fifteenth and sixteenth centuries), includes a tale called 'Eachradh na Féinne,' in which a person named Arthur figures. This tale, which is in the form of a conversation between Padraig and Caoilte, and is made up of prose and verse, relates how the Fiana obtained their steeds. There was with Fionn at one time a warrior called Artúir mac Beinne Briot, or Artúir mac Ríogh Breatan. One day, this Arthur, with his followers, watching a hunt on Benn Edair, now called Howth, decided to take the three hounds, Bran, Sceólaing and Adhnuall, away with them to Wales. This they did, landing at Inbhear Mara Gaimiach, and then going to hunt on Sliabh Lodáin mhic Lir, names which do not seem to be identifiable. Finding that the hounds were missing, Fionn places his thumb under his 'tooth of knowledge,' and is immediately conscious of what had happened. Nine of the Fiana are then sent in pursuit of Arthur. They come to Sliabh Lodáin mhic Lir, where they kill the men of Arthur and make himself prisoner. Goll mac Morna also takes a grey horse with a golden bridle, and a brown mare, with a silver bridle and a golden bit. They then return. Arthur is pardoned, but has to remain as a warrior of Fionn as long as he lives. The steeds are given to Fionn, and the horses of the Fiana are said to have been descended from them, 'for before this time they did not employ horses.'

O'Rathile has published <sup>3</sup> a short poem relating how one day

<sup>1</sup> *Helden- und Königsage*, Halle, 1921. p. 515.

<sup>2</sup> Windisch-Stokes, *Irische Texte*, IV., 1, p. 6. O'Grady, *Silva Gadelica*, Vol. I. Also, modern Irish version by Tórna, *Oirchiste Fiannuíochta*, Dublin [n.d.], pp. 3-9.

<sup>3</sup> *Gadelica*, I., 4.

a *gruagach* brought to the court of Arthur a swan, which refused all nourishment save wine, which it drank only from the hands of women who had been faithful to their husbands. In this poem, as in the story next referred to, Arthur is called 'Rìgh an Domhain.' O'Rathile states that this poem is paralleled in the ballad of the 'Boy and the Mantle,' which is also found in Irish,<sup>1</sup> with Arthur and his Knights hibernicized into Fionn and the Fiana. There is also a Welsh parallel in the material known as 'Tri Thlws ar ddeg Ynys Brydain.'<sup>2</sup>

Vol. X. of the publications of the Irish Texts Society is made up of two Irish Arthurian romances,<sup>3</sup> taken from eighteenth century MSS. There is, besides, another printed version of 'Eachtra Mhacaoimh an Iolair,'<sup>4</sup> a tale written by Brian O'Corcoran, who lived, according to the editors, in the fifteenth century. A note prefixed to the earliest known copy (MS. 24P., RIA) states that the Irish redactor 'got the bones of the tale from a gentleman who said that he had heard it narrated in French.'<sup>5</sup> O'Corcoran has, however, thoroughly Gaelicised the tale, and added stanzas of his own composition, and the work is interesting as a late example of such manipulations.

<sup>1</sup> *Laoidh an Bhruit*, studied by Stern, ZCP. i., 294 *et seq.*

<sup>2</sup> A version of this material included in Pen. MS. 77 (213 *et seq.*) states that the valuables 'were all taken away along with Myrddin.' The thirteenth article is said to have been the Mantle of Tegeu Eurvrón, which would only fit wives who had been faithful to their husbands—'13. Mantell Tegeu Eurvron, ni wasanaethai ir neb a dorrai i ffriodas nai morwyndod; ac ir neb y byddai lân yw gŵr y byddai hyd ir llawr; ac ir neb a dorrai i ffriodas, ni ddod hyd i harffed. Ac am hynny 'r oedd cenvigen wrth Degeu Evrvron.' With this, compare the statement of a test inflicted in certain circumstances, according to Welsh Law, upon a maid given to a man and charged by him with having been deflowered:—'Os hitheu ni myn i diheuraw, llader i chrys yn gyvuch ae gwerdyr, a roder dinawed blwyd yn i llaw, gwedi iraw i losewrn; ac o geill hi cyndal hwnnw, cymered, er ran or argyvreu; ac oni eill, bid heb dim.'

<sup>3</sup> *Eachtra an Mhadra Mhaoil. Eachtra Mhacaoimh-an-Iolair*. . . . Two Irish Arthurian Romances. Ed. and Trans. by R. A. Stewart Macalister. 1908.

<sup>4</sup> *Eachtra Mhacaoimh an Iolair mhic Riogh na Sorcha* . . . Iorard de Teiltiún agus Seosamh Laoide do chur i n-eagar . . . (Dublin, 1912).

<sup>5</sup> 'Biodh a fhis agad, a leughthoir . . . gurab amhlaidh do fuair misi . . . cnámha an sgéil so ag duine úasal a dubhairt gurab as Fraincis do chúalaidh sé féin dá innsin é, agus mur do fúair misi sbéis ann, do dheachtaigh mur so é, agus do chuirsim na laoithe beaga-sa mur chumáoin air, agus ní raibhe an sgél féin a nGáoidheilg ariamh conuige sin.'

In a version of 'Eachtra an Mhadra Mhaoil,' RIA.23D 22,<sup>1</sup> King Arthur's name takes the form of 'Artur mhic Iobhair mhic Ambros mhic Constantin,' whereas RIA.23M 26<sup>1</sup> gives 'Arthur mhac Ambróis mic Constantín mic Uighir Finndreaguin.' The ITS. printed version omits 'mic Uighir Finndreaguin,' which, however, is included in the ITS. version of 'Eachtra Mhacaoimh an Iolair,' with a merely orthographical difference ('Ughdaire Finndreagain'). In the Teiltiún-Laoide text of 'Eachtra Mhacaoimh an Iolair,' the form is 'Cing Artur mac Iubhair mhic Ambrois mhic Ughdair mhic Constantín Chinn Dragúin.' I note these forms because of their partial disagreement with the Welsh tradition concerning the relation of Arthur to Uthr Bendragon. The forms 'Iobhair,' 'Uighir,' 'Ughdhair,' and 'Ughdair' evidently represent what would be Irish pronunciation of the Welsh form 'Uthr.' 'Finndreaguin' may be simply a mistake for 'Cinndreaguin,' but cp. 'Wen Bendragon' in one of the Trioedd.

Of these two tales edited by him, Macalister says:

'These stories both belong to the "wonder-voyage" type of tale, and further have in common their connexion with the Arthurian cycle of mythological heroes. Arthur, however, plays a secondary part in both romances, and the dreamland of *gruagachs* and monstrous nightmare shapes is here as typically a creation of Irish fancy as in any of the stories of the Finn cycle.'

This substantially represents the facts. With regard to incident, it appears to me that 'Eachtra Mhacaoimh an Iolair' is in the manner of the French romances, but the redactor has completely Gaelicized the style of the narrative, introducing profusely the bravura elements of middle Irish romance, along with some passages, however, bearing evidence of personal observation of natural phenomena.

In this story Arthur is at Camelot, and a 'Sior Bhalbhaidh' is mentioned as one of his followers. In the other tale, Arthur and his Knights are hunting in the Dangerous Forest on the Plain of Wonders. They are overcome by the Knight of the Lantern but liberated by 'Sir Bhalbhuaidh'<sup>2</sup> and the 'Crop-eared Dog.'

<sup>1</sup> See Cat. of Irish MSS. in the Royal Irish Academy. Fasc. I. By Thomas F. O'Rahilly, Dublin, 1926.

<sup>2</sup> The forms 'Balbhuaidh' and 'Bhalbhaidh' which Macalister renders "Galahad," are no doubt derived from a form *Walwey*, of which there is a variant *Walwyn*, manifestly French or English vulgarizations of

the remainder of the narrative being occupied with the pursuit and the final overthrow of the Knight of the Lantern by Sir Bhalbhuaídh and the dog, the latter turning out to be a metamorphosed prince. Of the two stories, this is undoubtedly the earliest—at any rate, it is made up of earlier elements. The style is conventional, and stock epithets and phrases are as numerous as their Greek equivalents in Homer.<sup>1</sup> But the content is undoubtedly early, and frequently reminds one of the type of the primitive material to be found in *Kulhwch ac Olwen* or the *Pedeir Keinc*—compare, for instance, the metamorphosis of the sons of the King of India into dogs, and the similar punishment inflicted upon Gwydion and Gilvaethwy, in the tale of *Math vab Mathonwy*.<sup>2</sup>

Hyde states that some romantic stories, related to the Arthurian legend, were translated into Irish from the French, Spanish, Latin and possibly English. He mentions MS H.2.7, Trinity College, for instance, as containing, amongst other things, a story of Sir Guy of Warwick, one of the Quest of the Holy Grail, one called 'Teglach an Bhuid Chruinn' ('The Household of the Round Table'), the Chanson de Geste of Fierabras, and the History of King Arthur.<sup>3</sup>

These late versions from other languages, which I have not seen, would, probably, not throw much light upon the earlier forms of the legend, but a detailed study of the resemblances between the stories of Fionn and the stories of Arthur would

*Gwalchmei*. It is also interesting to note that in the *Madra Maol* story, *Lancelot* is converted into *Lámsholas*.

<sup>1</sup> With regard to 'the rolling streams of alliterative adjectives,' Macalister justly remarks: 'They require to be heard, well declaimed, for their *raison d'être* to be fully understood.' There can be no doubt, I think, that, read out, the effect of the Irish is quite different from that of the English. Coming in front of the noun in English, the adjectives grow wearisome. Coming after the noun in the Irish, they have a degree of force, to preserve which they should in English be similarly placed, connected with suitable particles. An analysis of some of the writings of Joseph Conrad shows that he was aware of the effect of this difference in the position of the adjective.

<sup>2</sup> 'Mar sin dúinn nó gur torchuigheadh na sagha sin do bhí againn féin, agus gur rug gach sagh aca ceithre cuileáin deag; agus d'fhás oirbhearta na geuileán sin go luath.'—'Canys ywch yn rwymedigaeth mi awnaf ywch gerdet ygyt, ach bot yn gymaredic, ac yn un anyan ar gwydvilot yd ywch yn eu rith. Ac yn yr amser y bo etiued udunt wy y uot ywchwithew, etc.'

<sup>3</sup> *Lit. Hist. of Ireland*, Lond., 1899, p. 572.

undoubtedly show community of source, and indeed, many actual borrowings. Arthur's position as the head of a band of warriors is paralleled by that of Fionn; the standing or function of the Fiana, as represented in Irish tradition, corresponds closely to that suggested by some of the titles bestowed upon Arthur (such, for instance, as *unben*) and by the words of the Nennian material—'Arthur pugnabat . . . cum regibus Brittonum, sed ipse dux erat bellorum.'<sup>1</sup>

In Scottish Gaelic, material is not as early and ample as in Irish Gaelic, although many of the Highland Folktales contain material of undoubted antiquity, and a great many incidents paralleled in Arthurian and other tales, found in Irish, Welsh and Breton. Such material is also found in Scottish Gaelic Ballads, which, in spite of much tumultuous criticism without Gaelic, must include early material in a form modernized in the course of centuries of oral transmission.<sup>2</sup>

Arthurian material may be found in Manx and Cornish folktales, but the literature preserved in these languages will not greatly help us.

The Breton literature preserved for us begins at a late period—about the fourteenth century—and consists chiefly of miracle plays and ballads, but Breton Folklore still conserves Arthurian traditions. There may have been Breton lays which have perished, of course, but I shall deal with this point later.

We have then to examine the earlier Welsh material. Traditionally, Welsh literature goes back to the sixth century. That certainly was the bardic tradition in the twelfth century, when a great literary activity occurred. This tradition is borne out by certain *additamenta* to the Nennian material, which mentions Talhaearn, Neirin, Taliesin, Bluchbard and Cian as bards who were famous in the time of Ida. Poetry attributed to Neirin (or

<sup>1</sup> 'Finn has long since become to all ears a pan-Gaelic champion, just as Arthur has become a Brythonic one.'—Hyde, *Lit. Hist.*, p. 383.

<sup>2</sup> 'It is impossible to read the text of the *Mabinogion* without seeing the strong resemblance which these traditions bear to modern Gaelic popular tales. The resemblance is not that of one entire story to another; were it so, it would be less striking; but it is a pervading resemblance interwoven throughout, and which pervades in a less degree the whole system of popular tales, so far as I am acquainted with it. The Welsh and Gaelic stories are, in fact, often founded on, and consist of the same incidents variously worked up, and differently told, to fit the various manners and customs of different ranks of society.'—Campbell, *Popular Tales of the Western Highlands*, Ed. 1890, Paisley, Vol. IV., pp. 251–2.

Aneirin) and Taliesin has been preserved, but we know nothing of the others. During the last century, this tradition was doubted, mainly because it was thought that, in the sixth century, Welsh had not yet been evolved from British. A modified view was advanced to the effect that these poems were really productions of a later period, for some reason assigned to Aneirin and Taliesin. Recently, Professor Sir John Morris-Jones has upheld the former tradition, and shown that linguistic evidence may be in favour of the supposition that Welsh was already spoken when the Breton emigration occurred, about the fifth century. It can, in any case, be shown that some of the poems in the *Book of Taliesin* are likely to have been written from the eighth to the tenth century, and cannot be shown, with anything like evidence, that it contains material written after the eleventh.

Some of the early poetry, then, may go back in origin, if not in actual form, to the sixth century. The presence, in what may be termed the historical material, of two styles so widely different one from the other calls for special study, but the argument against the idea of modernization of early compositions is removed if we can accept the conclusion that Welsh had been already evolved in the sixth century.

In the *Book of Aneirin*, copied, as we know it, about the thirteenth century, Arthur is referred to, but though the reference may mean that he was an incomparable warrior, the name only is mentioned. We can do no more than to suppose that the name was well known to the writer of the stanza in which it occurs, and to those for the amusement of whom the poem was written. The poem sings the praise of those who fell in a battle fought at a place called Catraeth, and this stanza does not state that Arthur was one of them, but rather mentions his name as if he had long been known for his valour. It should be added that probably the poem, as found in the *Book of Aneirin*, is not complete.

In the *Book of Taliesin*, Arthur is mentioned in a poem which seems to describe trees as having been metamorphosed into warriors, and in which the author, said to have been Taliesin, speaks of his own transformations ; but the name of Arthur occurs at the end of the poem, where the crucifixion of Christ is referred to, along with the prophecy of Virgil, material which suggests that the poem, in spite of its legendary character, may not be a very early production, or otherwise that lines have been added to accommodate it to Christian belief, a practice known in Irish.

In another BT poem, which is full of obscure references to ancient beliefs,—one of them concerning the origin of the muse—Arthur is mentioned as having been blessed by wise men in songs.

Another BT reference is found in a poem entitled ‘The Elegy of Uthr Ben[dragon?].’<sup>1</sup> (Arthur is said to have been the son of Uthr). There are transformation elements in the poem, and the author seems to recount the wonderful things done by himself, or by someone else, including the defence of Arthur.

A fourth BT poem is called ‘The Song of the Steeds.’ It seems to be a kind of rhymed catalogue of the names of famous steeds, mixed up with transformation elements. The steed of Arthur is mentioned.

Finally, there is a BT poem entitled ‘Preideu Annwvn’ (‘The Spoils of Annwvn’), of which Arthur seems to be the central figure.<sup>2</sup> This poem mentions a *Caer Sidi*. The second element in the name reminds us of the Irish *sid*, which was underground. In this *Caer* there was a prisoner named *Gweir*. Three ship-loads of men are said to have gone there, of whom only seven returned. Another fortress is mentioned, where a cauldron was made to boil by the breath of nine virgins, the cauldron of the chief of Annwvn, encircled with diamonds, which would not boil food for a coward. In front of the portal of this place (it is here called ‘Uffern’ in the text, but I am inclined to believe ‘uffern’ to be a later substitute for ‘annwvn’), lamps were burning, and of the warriors who went there with Arthur, only seven returned. Other fortresses are named, into which men went with Arthur, in

<sup>1</sup> It may be well to examine, if possible, the origin of the form *Pen-dragon*. The name does not occur in the poem itself, which, besides, is nothing like an elegy. *Urdawl Ben* occurs in the tale of *Branwen*, and *Uthr Ben* is a possible equivalent.

<sup>2</sup> The location of Annwvn is a matter of some difficulty. In modern Welsh, the word is used with the meaning of Hell. In the story of *Pwyll* and that of *Math* (Four Branches), it seems to be the name of a kingdom somewhere near Dyved, but it is clear that the story-tellers had no topographical knowledge of it. The word itself may mean ‘the other-’ ‘the outside-’, or ‘the under-world.’ Some place-names, and instances of the use of the word in poetry of the early and middle period, seem to suggest that it was considered to be underground. A sixteenth-century bard, for instance, describing a hunt, says:—

‘Ymddiddan tuag Annwn

Yn naear coed a wna’r cŵn.’

Another, in a fanciful description of the revolutions of a mill-stone, says that they caused the walls of Annwn to tremble.

his ship 'Prydwen,' presumably to seek certain spoils,—the cauldron of the chief of Annwvn, the brindled ox with seven score links in its chain, etc.—and where they fought with witches. This poem also ends with a Christian supplication.

This composition must certainly refer to a number of stories which have perished, for otherwise it could never have been intelligible to any audience.

The fortresses named are :

1. Kaer Sidi.
2. Kaer Bedryvan.
3. Kaer Vedwit.
4. Kaer Rigor.
5. Kaer Wydyr.
6. Kaer Golud.
7. Kaer Vandwy.
8. Kaer Ochren.

Probably there were tales recounting the expeditions of Arthur to each of these fortresses, of the fighting and of the spoils carried away from them, but we have no other trace of such tales. Cynddelw, in an eulogy to Hywel vab Owain, may have a mere allusion to the expedition to the eighth fortress, in one line—  
'Huan wrys hawl echrys Ochren.'<sup>1</sup>

It will be well, then, to bear in mind this evidence of Arthurian material which must once have existed in Welsh, of which, as far as I am aware, there is no trace in any other language.

In the *Black Book of Carmarthen* (an anthology copied in the twelfth century), Arthur is mentioned five times. One of these references occurs in a twelfth-century poem, and is besides merely a mention of the grandeur of the household of Arthur. The others are found in material which may be early. There is a series of stanzas called 'Englynion y Bedeu' ('The Grave Stanzas'). Generally, the first line asks whose is the grave in such and such a place, the second gives the answer, and the third adds a characterization of the dead. The stanza-form is early, and this type of material is found in Irish and Scandinavian.<sup>2</sup> Amongst these verses, the stanza which refers to Arthur is different from the rest. The question 'Whose grave is this?' is not asked. Thus :

<sup>1</sup> Anwyl, *Poetry of the Gogynfeirdd*, 75. 1.

<sup>2</sup> See S. Bugge, *Bidrag til den ældste Skaldedigtnings Historie*, Christiania, 1894.

‘There is a grave for March, and a grave for Gwythur,  
And a grave for Gwgawn of the red blade,  
Unknown [or a mystery] is a grave for Arthur.’

There is another scrap, which seems to have formed part of an elegy of a somewhat similar type, and which contains the name of a son of Arthur, thus :

‘I have been where Llacheu was slain  
(The son of Arthur, whose arts were marvellous)  
When the ravens called loudly for blood.’

We have already seen that one of the Court Bards, in verse of a later type, mentions ‘Llechysgar’ as the place where Llacheu was killed. His name figures in the poem next dealt with, and also in the tale of *Kulhwch*.

In the other two poems, Arthur is a more distinct figure. One of them is in the form of a dialogue between Arthur, with whom is Kei, and Glewlwyd Gavaelvawr. In the *Kulhwch* tale, Glewlwyd Gavaelvawr appears as the door-keeper of Arthur’s own court. The poem begins abruptly, and the end is missing. Thus :

‘Who is the doorward ?’  
‘Glewlwyd of the mighty grasp.  
Who is he who asks ?’  
‘It is Arthur, with worthy <sup>1</sup> Kei.’

‘Who go with thee ?’  
‘The best men in the world.’  
‘Into my house thou comest not  
Unless thou discover them.’ <sup>2</sup>

‘I shall discover them,  
And thou shalt behold them—

<sup>1</sup> See Rhys’ note, *op. cit.*, on *Kei guin*, where he equates the meaning of *guin* with *beau* in the Fr. *beau père*. See also Lewis, *Gloss. Med. Welsh Law*, under *gwynwyr*, where the form is said to correspond to the Ir. *Fian*. The rhyme here (*govyn : gwyn*) is against the suggestion, for to be the W. equivalent of the Ir. the form should be *gŵyn*. Besides, cp. the Saints’ names *Deinioel wyn*, *Cybi wyn*, *Ceinwen*, *Dwynwen*, etc. The Cornish surname *Keigwin*, *Keegwin*, seems to conserve the form, whatever the meaning may have been.

<sup>2</sup> *Onys guaredi*. Rhys, *Morte d’Arthur*, XVIII., renders this line : ‘Unless thou plead (?) for them,’ but the guess is inaccurate. See *Pwyll*, ‘*arhos a cruc y uorwyn a gwaret y rann a dyliei vot am y hwyneb o wise y phenn.*’

Wythneint, Elei,  
 And Sivyon, the three of them ;<sup>1</sup>  
 Mabon son of Modron,  
 The servant of Uthr Pendragon,  
 Kysceint<sup>2</sup> son of Banon,  
 And Gwyn Godyvrión,  
 My servants were. . . .<sup>3</sup>  
 In defence of their laws—  
 Manawydan son of Llyr,  
 Whose counsel was profound—  
 Manawydan, who verily brought  
 Broken spears from [the field of] Tryvrrwyd ;  
 And Mabon son of Mellt,  
 Who caused the grass to be spotted with blood ;  
 And Anwas<sup>4</sup> Edeinawc [winged]  
 With Lluch Llawynnawc ;<sup>5</sup>  
 They were defensive  
 Against the hewer of Eiddin.  
 As a lord who would reconcile them,<sup>6</sup>  
 My nephew would have made amends (?)  
 Kei pleaded with them  
 Whilst he cut them down by threes ;  
 When the grove was lost,  
 Fury was experienced ;  
 Kei still pleaded with them  
 The while he hewed them down ;  
 Arthur, though he played [or, laughed],<sup>7</sup>  
 He made the blood flow,  
 As in the hall of Avarnach  
 He fought with a witch ;  
 He pierced the head of Palach

<sup>1</sup> Rhys, *op cit.*, renders this and the preceding line as follows :

‘ Wythneint of Elei,  
 And the wise men three—’

*Wythneint* is probably the *Gwytheint* of the Court Bards. As *Tre Seifion* occurs as a place-name, I take ‘ ell tri ’ to refer to *Wythneint, Elei* and *Sivyon*. Rhys, of course, read *assivyon* as a *sywyon*.

<sup>2</sup> Probably *Kysteint*, as suggested by Rhys.

<sup>3</sup> *Oet rinn vy gueisson*, which Rhys renders ‘ Sturdy would be my men,’ but *rinn* in such context is obscure to me, unless one can understand it as in *penrhyn*—‘ My servants were a headland.’

<sup>4</sup> *Anwas, Angwas*, is no doubt the Irish *Aongus*.

<sup>5</sup> *Lluch Llawffer* occurs in *Llyfr Tal.* as the name of a sword, but *Lluch Llawynnawc* occurs in *Kulhwch ac Olwen* as the name of one of Arthur’s followers.

<sup>6</sup> *Argluit ae llochei*, of which Rhys makes ‘ His lord would shelter him.’

<sup>7</sup> *ced huarhei*. Cp. *Englynion y Bedeu* : *trath latei chuardei wrthit*.

In the hiding-places [or, Among  
 the treasures] of Dissethach ;<sup>1</sup>  
 At Mount Eiddin,  
 He fought with dog-headed ones,<sup>2</sup>  
 By hundreds they fell,  
 They fell by hundreds  
 Before Bedwyr of the four-pronged spear (?) ;<sup>3</sup>  
 On the sands of Tryvrwyd,  
 Fighting against Garwlwyd,  
 He was a victor in his rage  
 With sword and with shield ;  
 A whole line was but vain  
 Before Kei in battle ;  
 It was a sword, in contest,  
 That was the pledge of his hand ;  
 He was an equable chief  
 Of a legion, for the country's good.  
 Bedwyr . . .<sup>4</sup>  
 Nine hundred, in hearkening,  
 Six hundred, in raising the shout,  
 Was the worth of his rush.  
 There were (also) warriors of mine—  
 It were better were they still (with me).  
 Before the chiefs of Emreis  
 I have seen Kei in haste,  
 Leader of raids,  
 A tall man was he among enemies ;  
 His vengeance would be heavy,  
 His thrusting would be grievous ;  
 When he drank out of a horn,  
 He would match four men,  
 When he would come to battle,  
 In hewing down he would be match for a hundred ;  
 Unless it were God that should cause it,  
 The death of Kei would be beyond reach.

<sup>1</sup> *in atodeu dissethach*. Rhys, 'In the tasks (?) of D.' The word would seem to be the plural of *addawd*.

<sup>2</sup> *amuc a chinbin*. Cp. Ir. *Conchinn* (*Brinna Ferchertne*) and *Conchenn* (*Fled Bricrenn*, and *Dinnsenchas, Druim n-Asail*), Thurneysen, *Die irische Helden- und Königsage*.

<sup>3</sup> *rac beduir bedrydant*. Rhys leaves *pedrydant* untranslated.

<sup>4</sup> *Beduir*. *A Bridlav*. Rhys suggests *Beduir ab Bridlaw*, which appears to me to be doubtful. The element *-llaw* reminds one of the statement in *Kulhwch* that Bedwyr, fighting single-handed against three men, would draw blood first.

<sup>5</sup> *oed gur hir in ewnis*. Rhys, 'Long would he be in his wrath.' But Kei was called 'Kei Hir,' Kei the Tall.

Noble Kei and-Llacheu,  
 They would make battles  
 Before the pang of keen blades ;  
 On the ridge of Stawngun <sup>1</sup>  
 Kei pierced nine witches ;  
 Noble Kei went to Mona  
 To destroy . . . <sup>2</sup>  
 His shield was . . . <sup>3</sup>  
 Against Cath Paluc—  
 Why do folk ask  
 ‘ Who slew Cath Paluc ? ’  
 Nine score hoary-headed ones (?) <sup>4</sup>  
 Used to fall in its feeding ;  
 Nine score leaders. . . .”

Most of the names found in this remarkable fragment also occur in some of the prose tales, to which reference will be made later, and Tryvrvyd, mentioned here, is stated in the Nennian passage, already quoted, to have been the site of one of the twelve battles of Arthur.

The fragment appears to be of a composite character, for whereas Kei seems at first to be with Arthur, he is referred to later as having suffered ‘gloes glas vereu.’ Arthur also, in the middle of the poem, speaks of himself in the third person. One is thus led to conjecture that the piece is made up of fragments from more than one source.

The second BB poem is entitled ‘Gereint fil[ius] Erbin,’ and seems to have been intended to celebrate the praise of Gereint and to bemoan his death—at the battle of ‘Llongborth.’ ‘Brave men from the border of Devon’ are mentioned, so that it may be permissible to assign this poem to the Cornish territory. Modern gazetteers do not record a southern place-name which would correspond to ‘Llongborth,’ but it certainly reminds one of the Irish *longphort*, which in middle and modern Irish has the meanings: a camp, a fort, a fortress, a palace, a tent, a harbour, a garrison. The Welsh meaning would exactly be ‘a harbour,’ literally ‘ship-port.’ The reference here to Arthur is brief, thus :

<sup>1</sup> *ystaw in gun*. The form seems very doubtful. It may include the A.S. element *stan*.

<sup>2</sup> *lleuon*, which Rhys renders *lions*.

<sup>3</sup> *i iscuid oet mynud*, which Rhys renders ‘His shield was small.’

<sup>4</sup> *nau ugein kinlluc*. Rhys leaves *kinlluc* untranslated. The rhyme suggests *kinlluit*. Or one might read *kin lluc*, before dawn.

‘It was at Llongborth that I saw Arthur  
 (Brave men there hewed down with steel)  
 The Emperor, the leader of battle.’

There is a Welsh prose romance called ‘Gereint vab Erbin,’ to which I shall refer later. The point of interest here is that, in the early poetry, Arthur is associated with Gereint, one of the Knights of the Round Table in later romance.

From this earlier verse material again, we may add to our list of incidents which may have formed the subjects of Arthurian narratives, otherwise unknown :—

1. The Death of Llacheu son of Arthur (at Llechysgar).
2. The Colloquy of Arthur and Glewlwyd.
3. The Battle of Tryvrwyd.
4. Kei at the Battle of the Grove (Kelli).
5. The Hall of Avarnach.
6. The Treasures of Dissethach.
7. The Battle of Mount Eiddin.
8. The Battle of Ystawngun.
9. Kei’s Expedition to Mona.
10. The Story of Cath Paluc.
11. The Battle of Llongborth.

In the Myv. Arch., there is a poem with the following prologue : ‘A Dialogue between King Arthur and his second wife, Gwenhwyvar. She was the woman carried away by Melwas, a Scottish prince.’ I subjoin a translation :

‘A. My steed is black and trusty beneath me,  
 And I fear not on account of water,  
 And I retreat not before any men.  
 G. My steed is green, of the colour of the leaves ;  
 High praise utterly despises reproach—  
 No one is a man who keeps not his word.

. . . . . in the front of battle,  
 There is no one like unto a man but Kei  
 the tall son of Sevin.<sup>1</sup>

- A. I am he who rides and who stands,  
 And who heavily treads on the edge of the tide,  
 I am he who would catch Kei.  
 G. Tut ! thou fellow, it is strange to hear thee ;  
 Unless thou be better than thy appearance,  
 Thou wouldst not take Kei with a hundred of thy like.

<sup>1</sup> Cp. *Sivyon* in the preceding poem.

- A. Gwenhwyvar of the bright looks,  
Do not wrongly judge me though I be small,  
I would myself take a hundred men.
- G. Tut, thou fellow ! dark and yellow,  
Gazing awhile at thy countenance,  
I fancied having seen thee before.
- A. Gwenhwyvar of the surly aspect,  
Tell me, if you know,  
Where did you see me before ?
- G. I saw a man of moderate size  
At the table of Arthur in Devon,  
Serving wine to his friends.
- A. Gwenhwyvar of the pleasant speech,  
An empty saying is customary from a woman's mouth—  
It was there that thou sawest me."

We may gather that this poem is founded upon some lost story. The reference to the small stature of Arthur is singular, and the statement of Gwenhwyvar that she had seen 'a man of moderate size at the table of Arthur, serving wine to his friends' suggests that the person concerned here may not have been Arthur himself, but one of his followers, as the name of Arthur does not occur in the text, except in this reference.

An interesting poem, entitled 'Englynion yr Eryr,' which appears in Jesus College MS. 3 = XX., and of which there are sadly modernized versions in a number of other MSS., introduces Arthur. Professor Ifor Williams suggests <sup>1</sup> that this poem belongs to the second half of the twelfth century. The metrical form and the non-alliterative character of the verse, in addition to the subject matter, which is so different from that of the official bardic compositions of the period, incline me to the view that it is a monkish composition which may be still earlier. The stanza-form is the tercet, called *Englyn Milwr*, not employed by the Court Bards of the Princes, but in the composition itself, it is described as 'traeithawt' (st. 25), a term restricted in the Metrical Codes to the metres of the unofficial minstrel class. Briefly, the poem relates how Arthur, seeing an eagle looking at him from the summit of an oak tree, hears a laugh and is astonished. In reply to his questions, the eagle explains that he himself was formerly Eliwlat son of Madawc son of Uthr, Arthur's own nephew. The dialogue then becomes a discussion of good and evil. Arthur's questions exhibit in some cases a suggestive

<sup>1</sup> *Bulletin*, Board of Celtic Studies, Cardiff, II., 4.

rhctorical repetition.<sup>1</sup> The eagle informs him that it is sinful to harbour evil and treacherous thoughts ; that this may be avoided through prayer ; that Christ's blessing is obtained through the love of God and of justice ; that Christ is the lord of all spirits ; that heaven is merited through repentance and hope ; that the worst accompaniment of sin is despair, which brings the soul to eternal torment ; that God is the sole might and that He reckons not the might of man ; that that which Christ will do for those who believe in Him shall be manifest at the day of judgment, when God Himself shall judge ; that the most effective means of benefiting the soul are prayers ; that idle pride is the cause of suffering ; that what is not pure must be cleansed<sup>2</sup> ; that he who commits perjury to obtain land, and is guilty of treason against his own lord, shall repent at the day of judgment.

Some of the stanzas exhibit the *naïveté* so amply found in Irish material, and may be evidence of early origin, reflecting traditional accounts of the Christianization of the Brythons. For example, stanzas 29-34 :

'Thou eagle . . . I ask thee, is there anything better than to hope ?'  
' . . . Should he desire to possess a portion of land, let the weak trust in God.'

'I ask thee, is not the owner of land mighty ?'

'Do thou not lose God for the sake of wealth—the only might is the Highest.'

'I ask thee in words, am I not also mighty ?'

'Arthur, chief of the hosts of Kernyw, magnificent leader of armies, the highest might is God.'<sup>3</sup>

Arthur also appears in a Trystan and Eyllt story preserved in Pen. 96 and other MSS. The story (which the writer hopes soon to edit) relates how Trystan and Eyllt flee together to the forest of Celyddon. Eyllt is attended by her handmaiden, Golwg Hafddydd, and Trystan by his squire, Y Bach Bychan. These

<sup>1</sup> 'Beth yssyd drwc y wneuthur,' v. 11 ; 'Y wneuthur beth yssyd drwc,' v. 13.

<sup>2</sup> 'Ys dir nychyaw ny bo pur,' v. 46. In the BBC, which contains some of the stanzas, the reading is *nithyaw*, which the context justifies.

<sup>3</sup> With this, cp. a characteristic stanza from *Agallam Oisín agus Pátraic* :

'Dá mbeidheadh mo mhac Oscur agus Dia  
lámh ar lámh ar Chnoc na bhfiann,  
dá bh-faicfinnse mo mhac ar lár,  
déarfainn gur fear láidir Dia !'

servants carry their food, consisting of pies and wine. A pavilion is made for them of branches and foliage, and a bed of leaves, so that they are all content. Then King March son of Meirchion goes to Arthur to complain against Trystan, beseeching him to avenge the wrong. Arthur and his followers go to the forest in quest of the fugitives. When they enter the forest, Esysllt trembles in Trystan's arms, and in reply to his inquiry, tells him that she fears for his safety. Trystan reassures her, and goes to meet his pursuers. Faced by him, March tells Arthur that he will not be killed himself for the sake of killing Trystan, then the other warriors also decide not to risk their lives. Thus Trystan passes unscathed through the three hosts. Kei Hir, who is in love with Golwg Hafddydd, goes to the place where Esysllt is waiting, and tells her that Trystan has escaped. Esysllt tells him that if the news be true, he will be rewarded with 'a golden mistress.' Kei says that he only desires Golwg Hafddydd, who is then promised him. March makes a second complaint to Arthur, who advises him to send harpists to entertain Trystan from a distance, and minstrels to sing his praise, so that he may be pacified. This is done. Trystan is pleased with the harpists' performance, and rewards them with handfuls of gold. Then, Golden-tongued Gwalchmei, the son of Gwyar, who was in the habit of composing differences between persons, sings the praise of Trystan, and invites him to be reconciled to Arthur. Ultimately, for the love of Gwalchmei, Trystan agrees. They go to Arthur, and finally Trystan agrees to be reconciled. It is then agreed that Arthur is to decide between the claims of March and Trystan to Esysllt. Finding that neither of them is willing to forego his claim, Arthur decides that Esysllt shall dwell with one of them during the time there are leaves on the trees and with the other whilst the trees are leafless, March, as the legal husband, to have the first choice. March chooses the period when the trees are leafless for the reason that the night is then longest. When this is announced to Esysllt by Arthur, she is overjoyed, saying :

'Holly and yew and ivy  
are in leaf until they die ;  
Holly and ivy and yew  
are in leaf as long as they live.'

Thus March, son of Meirchion, loses Esysllt for ever.

The parts spoken by the various characters in this most interesting story are in tercets, of the type of those forming the

Colloquy of Arthur and the Eagle. A comparison of the various versions extant proves that these stanzas, like those in the Colloquy, have been modernized and manipulated. The earliest form is found in a manuscript written mostly in the sixteenth century, but the composition is certainly earlier. The mixture of prose and verse reminds us of the French *chanteable*, but also, and still more so, of Irish material of the type found in 'Acalamh na Senórach.' It is to be noted that the composition has evident affinities with the story of Diarmuid and Gráinne. Diarmuid and Trystan are said to have been men of great attraction for women.<sup>1</sup> The forest where the fugitives hide is surrounded in both cases, and both Gráinne and Eyllt tremble for fear when they hear the sound of the pursuers.<sup>2</sup> A bed of leaves is prepared for both pairs.<sup>3</sup> Both Diarmuid and Trystan pass through their pursuers without being wounded.<sup>4</sup> The pursuit in the Irish tale lasts for sixteen years, in the Welsh tale for three years, according to one version, which sets out the fragment as the conclusion of the quest, suggesting that there were earlier incidents.<sup>5</sup> In the end, Gráinne is adjudged to Diarmuid and Eyllt to Trystan. The Welsh story, of course, lacks the detail of the Irish tale, but the prose part is evidently incomplete and modernized. Ultimately, Diarmuid is killed by a boar, and in the Trioedd, Trystan appears as the Swineherd.<sup>6</sup>

In the earlier metrical material in Welsh, then, we have reference to a considerable number of incidents or battles with

<sup>1</sup> 'An t-aon leanán ban agus inghion is fearr dá bhfuil san domhan.'—'Cyfaill rhianedd.'

<sup>2</sup> 'Ar n-a chlos sin do Gráinne, do-ghab uamhan agus imeagla í'—'Ag yno i krynodd Eyllt . . . rag ofn amdanaw ef.'

<sup>3</sup> 'Do chóruig Maodhán leaba do bharr beithe fa Dhiarmait agus Ghráinne.'—'Ac yno y gwnaethpwyd gwely o ddail iddynt, a phebyll o'r coed a'r dail.'

<sup>4</sup> 'Roimpuigh Diarmaid tar a ais gan fuiliughadh gan foirdheargadh air.'—'Ac felly yr aeth Trystan trwy y tair cad yn ddiargywedd.'

<sup>5</sup> 'Llyma 'r Englynion a fu rhwng Trystan ap Tallweh a Gwalchmai ap Gwyar, wedi bod Arthur yn i geisio dair blynedd.'

<sup>6</sup> See also Loth, *Contributions*, 'Fragment d'un poème sur Tristan dans le Livre Noire.' The name of Arthur is not introduced in this fragment, but the line 'Menic it arwet duwir dalenneu,' as Loth justly points out, 'est une claire allusion au fameux épisode où Tristan jette des branches ou copeaux dans un ruisseau qui les emporte à travers la chambre d'Iseut l'avertissant ainsi de sa présence.' It is also noteworthy that leaves play

which Arthur was connected, and accounts of which must have formed separate tales, similar to the prose narrations we have preserved. If we could accept the sixth century origin of some of the Welsh poems, we might, as already stated, reasonably expect to find in them some evidence of a historical Arthur. The only possible instance of such a reference, in the material we have examined, is the poem to Gereint, son of Erbin, in which Arthur is said to have been leader of brave men from the border of Devon. Although this poem involves no actual impossibility, it cannot be said to have any historical value. In all the other material, Arthur is certainly a legendary figure.

### THE TRIADS

Arthur also figures in the Trioedd,<sup>1</sup> which, according to Rhys, contain the earliest Arthurian material. Probably, Rhys is right, but it is necessary to examine carefully the various versions, as the later of them show evident additions and expansions. The third series printed in the Myv. Arch., for instance, although it includes the earlier material, exhibits evidence of manipulation by a writer unacquainted with the meaning of some of the terms used by him. His expansions show an effort to employ what was evidently meant to appear as an archaic style, the empty verbosity of which, however, betrays its late origin.

Generally, Arthur appears in the earlier Triads as a legendary figure. In one Triad, the Three Exalted Prisoners of the Isle of Britain are named, and then it is added :

‘ And there was one who was more exalted than the three, namely Arthur, who was for three nights in the Fortress of Oeth and Anoeth,

---

a part in the Welsh fragment dealt with here, as well as in some Welsh love poems—Llywarch ap Llywelyn to Gwenlliant verch Hywel, for instance ;

‘ Neur arwet dyuret yn eu dyuyrllle  
Gwisc gwyndeil gwyel gwet adarre  
Neud adneu cogeu coed neud attre  
Neur duc wyse cantwyse gan y godre  
Dolyt caer llion deil lliaws bre.’

These things, together with the obscure references in the love poems to the horse, seem to echo some lost model, in which the horse and the leaves played a necessary part. But the branches and shavings referred to by Loth certainly remind us of Diarmuid agus Gráinne.

<sup>1</sup> See Loth's versions, *Les Mabinogion*, etc. Here, I only bring together those triads in which the name of Arthur occurs or in which his Court is mentioned.

and for three nights with Wen (?) Bendragon, and three nights in the Hidden Prison under the Flagstone [yg carchar kudd d-an y llech a chymmreint, I. ; ygkarchar hut y dan lech echymmeint, II.], and it was the same squire who liberated him from each of the prisons, namely Goreu, the son of Custennin, his cousin.'

This appears to refer to some tradition of which we know nothing, and may provide us with additions to our list of incidents which may have been the subject of stories, thus :

1. The Rescue of Arthur from the Prison of Oeth ac Anoeth.
2. The Rescue of Arthur from the Prison of Pendragon.
3. The Rescue of Arthur from the Hidden Prison under the

Flagstone.

'Llech Echymeint,' as the two readings show, is doubtful, but the mention of the flagstone recalls the bardic reference to Llechysgar, where Llacheu is said to have been slain.

That rescues were the subject of tales in Welsh may be deduced from references in *Y Gododdin* and in *Hirlas Ywein*, a poem bearing traces of the influence of the earlier composition.

Another Triad describes Arthur as one of the Three Chief Swineherds of the Isle of Britain. The version seems inaccurate, for in a later form, the three Swineherds are described as having been (1) Pryderi vab Pwyll ; (2) Trystan vab Tallwch ; (3) Coll vab Collvrewi, and Arthur is only incidentally brought in, in connection with the second and third name. It is explained that, while Trystan had gone on a message to Eyllt, Arthur, with March and Kei and Bedwyr, went to seek the swine (the loss of which is not explained), but failed to obtain a single sow by any means. In the reference to the third swineherd, it is stated that the drove was kept in Cornwall and among that drove there was a sow called 'Henwen,' concerning which there was a prophecy that evil would befall the Isle of Britain through its litter. Because of this prophecy, Arthur collected the host of Britain to hunt the sow. The sow went into the sea at Penrhyn Awstin in Cornwall, followed by the Swineherd. Then, somewhere in Gwent, it dropped a grain of wheat and a bee, hence the fame of Gwent ever since as wheat-growing land. At Llovyon, in Pembroke, it dropped a grain of barley and a grain of wheat, hence the fame of Llovyon for barley. At Rhiw Gyverthwch in Arvon, it dropped a cat and an eaglet. The eaglet was given to Breat, a northern prince, and evil followed the gift. In Arvon again, under the Black Stone, the sow dropped a cat, which the Swineherd threw into the sea.

Then the Sons of Paluc in Anglesey rescued and nourished the cat which was afterwards known as Cath Paluc (Paluc's Cat), and which became one of the three chief oppressions of Anglesey.

This Triad again evidently resumes the story of the hunting of a monster which reminds us of the Hunting of the Twrch Trwyd, even down to the topographical explanations. Here, we may have all that remains of three stories :

1. The Hunting of Henwen.
2. The Story of Cath Paluc.
3. The Story of Breat and the Eagle.

Other statements concerning Arthur, which may belong to earlier material in the Triads are—that he disinterred the head of Brân, which, as stated in the tale of Branwen, had been buried in London and which would have secured the island against the attack of enemies. Arthur is said to have disinterred the head because he was not satisfied that the island should be defended except by his own might. In a Triad which mentions the 'Three Red-tracked Champions of the island,' Arthur is said to have been superior to them :

'And there was one whose track was redder than that of any of them. His name was Arthur. For a whole year, neither grass nor plant grew on the track of Arthur.'

In these Triads, two causes of the battle of Camlan seem to be discernible. One of the 'Three Evil Strokes of the Isle of Britain' is described as having been a blow dealt by Gwenhwyvach to Gwenhwyvar, and this blow, it is added, was 'the cause of the battle of Camlan afterwards.' A variant form says that the blow was dealt by Gwenhwyvar to Gwenhwyvach. In the *Kulhwch* story, Gwenhwyvach is described as a sister of Gwenhwyvar. In Irish, Findabair is the name of the daughter of Medb, queen of Connacht, in the 'Táin Bo Chuailgne'—a genuinely Keltic name which, through its Brythonic form, passed into a variety of Continental forms. In *Kulhwch* we find the masculine form of the name, 'Gwynhyvar,' who is described as the steward of Cornwall and Devon, concerned in the battle of Camlan. In the same tale, Morvran eil Tegid and Sandde Bryd Angel are said to have escaped unhurt from Camlan, the first because of his ugliness, wherefore no one dared to strike him, thinking he was a demon, and the second owing to his beauty—none dared to strike him, as they deemed him to be an angel. The third who escaped

from the battle is said to have been Saint Cynwyl, who was the last to part from Arthur. These details probably belong to the earlier account of Camlan.

In one Triad concerning the 'Three Evil Blows,' the blow is said to have been dealt Medrawd by Arthur, and no cause is assigned. The Triad enumerating the 'Three Grievous Slaughters of the Isle of Britain' seems to suggest yet another version, perhaps the unvarnished original of the later romance forms. I take the material part of the Triad from the first series in the *Myv. Arch.*, bracketing the variants as found in the second and third :

'The Three Grievous Slaughters of the Isle of Britain : One of them was when Medrawd came to Kelliwig in Cornwall, and left in the court neither food nor drink and when he dragged Gwenhwyvar from her throne [and then struck her a blow, II. ; and committed adultery with her, III.]. And the second was when Arthur went to the Court of Medrawd, where he left neither food nor drink unconsumed, neither man nor animal alive in the cantred.'

Another Triad says that Arthur had three wives, each named Gwenhwyvar. In these variants we can probably trace an earlier account of the Battle of Camlan, which afterwards came to be attributed to the treachery of Medrawd. The character of Medrawd, as reflected in the references of the official bards of the Princes to him, may have been due to the prevalence among them of an earlier, less developed account of the cause of the battle.

It may also be stated here that there is a Welsh character called 'Melwas,' who is said to have carried away Gwenhwyvar to Scotland, having dressed himself in leaves for the purpose of capturing her, so that the queen's maids did not know him, taking him for a supernatural being. A poem attributed to Dafydd ap Gwilym <sup>1</sup> refers to this tale, with greater detail than usual in the bards :

'Alas ! that with a lover's sigh, I may not call for the art of Melwas, the robber who, through magic and enchantment, took away a woman to the extremity of the land ; he, the deceiver, went into the woods, among the branched walls of the tree tops, and to-night, I should like to climb up on high, as he did.'

Whether there was originally a separate story concerning this rape, or whether Melwas is another name for Medrawd, it is difficult to say. Of course, in Malory this episode is connected

<sup>1</sup> *Barddoniaeth*, 1789, p. 106.

with the name of Meliagraunce, but the story as found in the *Morte d'Arthur* has certain weaknesses, which suggest that it may be out of place. In any case, we may here have evidence of the possible existence at one time of three stories—

1. Gwenhwyvar and Gwenhwyvach.
2. The Battle of Camlan.
3. Melwas and Gwenhwyvar.

The later account of the cause of the Battle of Camlan, between Arthur and Medrawd, is also given, and one of the 'Three evil counsels of the Isle of Britain' is described as having been the action of Arthur in dividing his forces three times with Medrawd, in the fight between them.<sup>1</sup> This would seem to correspond rather with the attitude of Arthur towards Launcelot in the *Morte d'Arthur*, where one traces such an evident intention to exalt French chivalry and other qualities.

In the type of material comprehended in the remainder of the Triads, we may probably trace the effect of the development of Arthur as a romantic hero. He is described as a supreme ruler, having courts at Caerllion, in Wales; Kelliwig, in Cornwall, and Penrhyn Rhionydd, in the North, with a chief bishop and a chief elder at each of them. The names are also given of the principal Knights of the Court, as follows:

Three supreme heads (*unbeniaid*): Goronwy vab Echel Vorddwytwll; Cadreith vab Porthvawr Gadw [fourth son of Seidi, II.], and Ffleidur Fflam vab Godo.

Three Warrior Knights: Mened [Mael Hir, III.; Cadwr Iarl Kernyw, IV.]; Lludd Llurugawc [Llyr Llyuddawc, III.; Lawnsloet dy Lac, IV.]; Caradawc [Ywain ap Urien Rheged, IV.]. This triad is in the form of a stanza attributed to Arthur.

Three Golden-torqued Knights: Gwalchmei vab Gwyar, Drudwas vab Tryffin, Eliwlad vab Madawc vab Uthr [the second and third name have been run into one in III. by the omission of Eliwlad]. 'They were wise men, so fair and gentle, eloquent and amiable in speech that it would be difficult for anyone to refuse them that which they sought.'

<sup>1</sup> One is tempted to see a reference to this in the poem entitled *Marwnat Uthyr Pen*, in the BT:

'Neu vi arannwys vy echlessur  
nawuetran yg gwrhyt Arthur.'

Three Royal Knights: Nasiens, King of Denmark [Morgan Mwynvawr, IV.]; Medrawd vab Llew vab Kynvarch; Hywel vab Emyr Llydaw. 'They were men whose speech was so gentle and amiable and fair that it would be difficult for anyone to refuse them their request.'

Three Just Knights [Justly-minded, IV.]: Blas, son of the Prince of Llychlyn; Cadawc vab Gwynlliw Vilwr, and Pedrogl Paladrddellt [son of the King of India, IV.]. 'Their habit was to protect orphans, widows and virgins against violence, injustice and oppression, Blas by secular law, Cadawc by ecclesiastical law, and Pedrogl by the law of arms.'

Three Knights who found [who kept, IV.] the Grail: Galath vab Lawnsloet dy Lac [Cadawc vab Gwynlliw, III.]; Peredur vab Evrawc [Iltud Varchawc, III.]; and Bwrt son of King Bwrt [son of Bwrt, King of Llychlyn, IV.; Peredur, III.]. 'The first and second were physically chaste, and the third was chaste because he only once committed carnal sin, and that was through temptation, when he begat . . . [name missing] upon the daughter of Brangor, she who was Empress of Constantinobl, from whom came the greatest family in the world, and the three of them were descended from the family of Joseph of Arimathea and from the family of the Prophet David, as the story of the Holy Grail bears testimony.'

Three untorqued<sup>1</sup> Knights of the Court of Arthur: Ethen

<sup>1</sup> *Hual* means *fetter*, but must also be translated *torque*, I think. The following Triads (which do not mention the name of Arthur, and are not therefore included in the analysis above, seem to demand the former meaning:—

'Tri Hualogion teulu Ynys Prydein: The Host of Cadwallawn Lawhir, who placed the *hualau* of their steeds upon their feet by twos in fighting with Serigi Wyddel at Cerrig y Gwyddyl in Anglesey, and the Host of Rhiwallon vab Urien in fighting with the Saxons, and the Host of Belyn of Lley in fighting with Edwin at Bryn Ceneu in Rhos.' [I., II.]

'Tri eur Hualogion Ynys Prydein: Rhiwallon Wallt Banhadlen, Rhun vab Maelgwn, and Catwaladr Vendigeid. [I., II.] And these men were called *hualogion* because no steeds could be obtained suitable for them because of their size, so that golden fetters were placed round the small of their legs, over the hind-quarters of the horses behind them, with two golden patellae under their knees.' [I., II.]

'Tri Hualogion Teyrnedd Ynys Prydein: Morgan Mwynvawr of Morgannwg; Elystan Glodrydd, of [the region] between Wye and Severn and Gwaithfoed, the King of Keredigion. They were so called because

[Eithew, IV.] vab Gwgawn; Coleddawc vab Gwynn, and Gereint Hir vab Gemeirnon [Cymmannon, IV.] Hen.

Three Trwyddedawc Anfodawc [Hanfodawc, IV.] <sup>1</sup>: Llywarch Hen vab Elidir Lydanwyn; Llemenig and Heledd [Llwmhunic ap Mauon a Heledd vab Gyndrwyn, I., variant; III.]. III. adds 'and they were bards.'

Three Amiable Knights of the Court of A.: Gwalchmei vab Gwyar, Garwy vab Gereint vab Erbin, and Cadeir eil Seithin Saidi [in IV. only].

Three Knights Magicians of the Court of A.: Menw vab Teirgwaedd, Trystan vab Tallwch, and Kei Hir vab Kynyr Varvawc. 'For they would take whatever form they liked when they were in difficulty, and for that reason no one could overcome them, because of their strength, their bravery and their magic.' [IV. only.]

Three Noble Ladies of the Court of A.: Dyvyr Wallt Eureid, Enid verch Yniwl Iarll, and Tegeu Eurvron.

Three Chief Queens of A.: Gwenhwyvar verch Gwythyr vab Greidiawl, Gwenhwyvar verch Gawryd Keint [Gwent, II.], and Gwenhwyvar verch Ogyrvan Gawr. [Ocruan, III.]

Three Mistresses of A.: Garwen verch Henyn [Heuinbren, II.; Tegyrn Gwyr ac Ystrad Tywi (King of Gower and Ystrad Tywi), III.], Gwyl verch Eudawd [Eudaf, II.; Eutaw y (= o) Gaerworgorn, III.], and Indeg verch Arwy Hir [Avarwy Hir o Vaelienydd, III.].

The name of A. also figures in other Triads as appended:

Three *Oferfeirdd* <sup>2</sup> of the Isle of Britain: Arthur, Catwallawn vab Cadvan and Rhyawt Eil Morgant [Morgant Morgannwg, III.].

Three Frivolous Battles of the Isle of Britain: The third was the they wore *hualau* (torques?) in the manner of the Kings of Britain, and not chaplets, or crowns.'

The meaning of the first of these Triads may be comprehended in the second, but it is evident that in the third, the reference is to the wearing of torques to denote nobility.

<sup>1</sup> The meaning is not clear to me. Loth translates, "Trois hôtes libres et contre leur volonté." The traditional lot of Llywarch Hen suggests *anffodawc* as a possible reading.

<sup>2</sup> The exact meaning is not clear. Loth has "trois bardes peu sérieux," and he quotes a modern bardic explanation. As used by the bards, *oferfardd* has a very uncertain meaning—a somewhat dissipated minstrel, perhaps.

battle of Camlan [between A. and Medrawd, where A. was slain and along with him a hundred thousand men, III.] which was fought because of the contention of Gwenhwyvar and Gwenhwyvach, and they were called frivolous battles because they resulted from such trivial causes.

Three Dishonoured men of the Isle of Britain : (1) Avarwy vab Lludd ; (2) Gwrtheyrn Gwrtheneu ; (3) Medrawd vab Llew vab Kynvarch, when A. left the government of the island in his charge . . . [and then the battle of Camlan was fought between A. and Medrawd, and A. slew Medrawd, and M. gave him a wound from which he died, and he was buried in a place in the island of Avallach, II. ; where A. was killed, with all his men excepting three, III.].

Three Faithless Hosts of the Isle : (1) the Host of Gronwy Pevyr ; (2) the Host of Gwrgi and Peredur ; (3) the Host of Alan Ffergant [ar lan Ffergan, II. ; Alan Forgan, III.] who forsook their lord clandestinely on the way to Camlan. Each of these hosts numbered one thousand one hundred men.

Three Treacherous Meetings of the Isle : (3) the meeting of Medrawd and Iddawc Corn Prydein<sup>1</sup> and their followers at Nanhwynein, where they plotted the death [*gwnaethant frad*] of Arthur, thus giving the Saxons sway over the Isle of Britain [III.].

Three Secret Treacheries of the Isle : '2) the betrayal of A. by Iddawc Corn Prydein, who disclosed his secret [III.].

Three brave overlords [*unbeniaid*] of the Isle : Kynvellyn Wledig , Caradawc vab Brân, and Arthur [III.].

Three red-marked ones of the Isle : Arthur, Morgan Mwynvawr, and Rhun vab Beli [III.].

<sup>1</sup> In *Breuddwyd Rhonabwy*, Iddawc Cordd Prydein explains how he came to be so called :—'I was one of the messengers at Cat Gamlan between Arthur and Medrawd his nephew. And I was a spirited young man then, and by reason of my great inclination to fight, I made things mixed between them. And this is the trouble I caused—the Emperor Arthur sent me to tell Medrawd that he was his foster-father and his uncle, and that, in order to avoid the slaughter of the sons of the kings of the Isle of Britain, and its nobles, he desired peace ; and whereas Arthur spoke to me in the most amiable manner, I repeated his words to Medrawd in the most insulting manner. And so I was called Iddawc Cordd Brydein. And it was thus that the battle of Camlan was fought, and three nights before the end of the battle I parted from them, and went as far as the Blue Flagstone in Scotland to do penance. And I was there for seven years doing penance, and obtained mercy.'

Summarizing the results of this part of our inquiry, we can state that of an historical Arthur, the evidence in Welsh is practically non-existent. He appears in the earliest material distinctly as a legendary figure, engaged in marvellous expeditions to fortresses or citadels which may be supposed to have been situated in the other-world. We have found reference to at least 28 incidents which may have formed the subject of narratives in which Arthur was concerned, and of which there seems to be no other mention. In the Triads, his name is introduced as that of one who excelled the other characters. This is possibly a later addition to the original Triads, made after the fame of Arthur had become general. Another possible but less likely view is that the traditional supremacy of Arthur accounts for the mention of his name in the Triads as that of one with whom ordinary mortals could not be compared. It seems fairly clear from this examination that the early fame of Arthur in Welsh territory was a matter of folklore, which was only to a limited extent reflected in the works of the official bards. The belief that he had not died but would one day return to liberate his people seems to have prevailed among Brythonic peoples before attention was drawn to his legend by the work of Geoffrey of Monmouth.

In Welsh Folklore, Arthur and his warriors sleep in a mountain cave, variously situated, waiting for the day when they shall awake and return. Some of the places where this cave is said to be located are the Elidir, Berwyn, Craig y Dinas in Glamorgan, and another Craig y Dinas in Montgomeryshire. It may be interesting to note in passing that the Berwyn and Hiraethog districts are rich in place-names connected with the Four Branches of the Mabinogi and Hanes Taliesin.<sup>1</sup> The story of the cave was known

<sup>1</sup> *Berwyn* itself is probably *Bre Wyn*, from the name of *Gwyn ap Nudd*. There are also in the region a *Nant Gwyn*, and *Caer Drewyn* near Corwen, and there are stories connecting Gwyn with the mountain. Other names found in the district are—*Cadair Franwen*, *Nant Manawyd* [now pronounced *Myniawyd*], *Caer Gai*, *Llyn Tegid*, *Castell Dinas Brân*. According to Pen. 176 (39), there was, between *Cadair Ddinmael* and *Betws*, a place known as *Maen y Bardd*, of which it is said—‘*ac yn y main hynny y rrain sydd yn vedrod gron vechan i kad an ab y lleian a mvrddun y lleian y sydd is law yn ymyl . . . y llyssdir.*’ The connection of this with the *Myrddin* legend seems beyond doubt. One is tempted to suspect that *anap y lleian*, or *anvab y lleian*, may be the basis of the *An* of the *Myrddin* story; that *mvrddyn* has something to do with *Myrddin*, and that a reference to *Medrod* may lurk in the words, ‘*yn vedrod gron vechan.*’ In the *Hiraethog* district, where we find *Llyn Brân* and *Gorsedd Frân*,

in the Hiraethog district in my father's boyhood, nearly eighty years ago, in the form, also found elsewhere, which relates how a man walking on London Bridge, with an ashen stick in his hand, was met by an odd-looking person of great age, who told him finally that the stick had grown over the entrance into a cave filled with treasure guarded by sleeping warriors. Obeying the directions of his informant, the man afterwards found the cave, but in going out, having overloaded himself with treasure, he caused a bell suspended in the entrance to ring. Thereat the warriors leapt up, the leader asking, 'Has the day come?' Following his instructions, the man replied 'No, sleep on!' whereat the warriors sank back into slumber, and the man escaped, but all search for the cave afterwards proved fruitless. In some places, this tale is connected with the name of Owain Lawgoch, a claimant to the Principality of Wales after the fall of Llywelyn ap Gruffudd (1284). Owain was the grandson of a brother to Llywelyn, and is known in French chronicles and even in Continental literature, as Yvain de Galles and Yffo von Calis. He was assassinated in France by the hirelings of the English, in the year 1378.<sup>1</sup> The basis of the legend seems to have passed into the vaticinatory poems of the fifteenth and sixteenth centuries, in the majority of which the name of Owain supplants that of Arthur. Yet, occasionally, Arthur seems to continue to represent the hero who was some day to come over sea to restore the former glory of his race. Before and during the Tudor struggle, great use was made of this tradition, in order to win support for the Lancastrians. There is at least one attempt made, in English, to connect the prediction with the name of Cromwell.<sup>2</sup> During the last century, the tradition was idealized and became a kind of motive among the political nationalists of the period again.

#### THE ROMANCE MATERIAL

Our inquiry, so far, has been restricted to the early metrical material and the Triads. We may now briefly examine, on the same lines, the prose material known as the 'Mabinogion.' For the sake of clearness and accuracy, it may be well to point out that the term 'Mabinogion' was used by Lady Guest to denote all the Welsh tales and romances which she translated into English.

remarkable folk-etymologies are plentiful, and jumbled forms in place-names still more so. <sup>1</sup> See *Cymmrodor*, 1899-91.

<sup>2</sup> Thomas Pugh, *British and Outlandish Prophecies*, 1658.

The Welsh title 'Pedeir Keinc y Mabinogi' is properly restricted to the branched tale of Pwyll-Branwen-Manawydan-Math, and as 'Mabinogi' is a singular form, an old plural, if there had been such, would have been 'Mabinogïon.' Various attempts have been made to explain the meaning of the term. Stephens (*Literature of the Kymry*) believed that the term meant *youth*, and that the tales were 'written to while away the time of the young chieftains.' There is no evidence whatever of this. Rhys claimed that 'Mabinog' meant a literary apprentice, taught by a qualified bard, and that *Mabinogi* meant the subject matter he had to learn. Ivor John (*the Four Branches of the Mabinogi*), and others, repeat this explanation. There is, however, no evidence for it in Welsh material. Rhys seems to have based it upon some particulars of Irish tradition. Another suggestion is that the term is the equivalent of the French *Enfance*. This is at least supported by one compilation where the Welsh term is employed with that meaning (*Mabinogi Iesu Grist*, of which there is a variant *Mabolyaeth Iesu Grist*). Later suggestions are that it is a form of the Irish *Mac ind Oic*, a name given to a legendary character; and that it is simply a compound of two Welsh words (*mab* = son, and *mynogi* = courtesy). The suggestion, which I made some years ago, that it is derived from the Irish was afterwards more fully supported by Professor Lloyd Jones.<sup>1</sup> I am still of the opinion that this is the most likely explanation, and that the term means simply the Wonder-child, having an other-world father, for Pryderi, the hero of the Four Branches, was such a son.

The term 'Mabinogion' is therefore not employed here, but an effort is made to group the tales according to character and antiquity, showing what part is played in them by Arthur, and endeavouring to show the distinction between the earlier, Brythonic or Keltic Arthur, and the later figure of French-coloured romance.

The Welsh romances, written down in the form in which we know them, about the twelfth century or the early part of the thirteenth and later, include material in which Arthur does not figure at all. Such are the Four Branches, which must have been given a definite form some time from the tenth to the eleventh century. 'Breuddwyd Macsen' and 'Kyvranc Lludd a Llevelys' are concerned with traditions of the Roman occupation.

<sup>1</sup> *y Beirniad*, Vol. IV., 2.

The other romances, in which Arthur figures, may be divided into two classes, (a) Pre-Norman tales, 'Kulhwch ac Olwen,' 'Breuddwyd Rhonabwy,' 'Hanes Taliesin,' and perhaps, in some respects, 'The Birth of Arthur.' 'Kulhwch ac Olwen' is the story of the quest of a wife, and the material of which it is made up is undoubtedly primitive. It is not necessary here to go into detail, but a brief outline of the essential features may assist us to realize the difference between this tale and the Continental manipulations of Arthurian material.

Kulhwch, son of Kilydd, son of King Kelyddon, is born in a pigsty, his mother having been seized by a fit of madness. The name *Kulhwch* was given the child because of this circumstance.<sup>1</sup> In dying, the mother of Kulhwch makes the father promise that he would not marry a second time until he should find a thorn with two flowers growing on her grave. She then asks her confessor to see that nothing be allowed to grow on the grave. The confessor does so for seven years, then forgets. Seeing the thorn at last, Kilydd decides to marry, and is advised by his servants to carry away by force the wife of another king. This he does. As Kulhwch is afterwards unwilling to marry the daughter of his step-mother, she places upon him an injunction that he may never marry unless he obtain for his bride Olwen, the daughter of a giant named Yspaddaden Pen Cawr.<sup>2</sup> His father advises him to go to the Court of Arthur, who is his uncle, to obtain assistance for the quest. He goes, obtains assistance, ultimately finds Olwen at her father's court, and is charmed by her appearance. The giant in turn imposes upon him a series of seemingly impossible tasks, which must be performed for the winning of Olwen. They include the finding of Mabon, son of Madron, lost in his infancy a long time since, the hunting of the Twrch Trwyd, a boar which

<sup>1</sup> The part played by the pig in Irish and Welsh legend may be mentioned. The hunting of boars occurs in many Irish and Scottish Gaelic tales. In Welsh, we have the bringing of pigs from Annwn, the hunting of Henwen, Ysgithrwyn Ben Beidd, and Twrch Trwyd. Welsh names like Kulhwch, Tallwch, Gwythwch, Unhwch, are also probably due to some similar ty of origin. Pigs were probably used in ancient divination, and there are still preserved many folk-beliefs concerning pigs. The modern saying, common in Wales, that pigs can see the wind may be compared with the belief among sailors on sailing-ships, that to slaughter a pig on board, with its head towards the stern, would bring wind from the other direction. (See *Literaturo*, Vol. II., No. 8.) See also later references in this article.

<sup>2</sup> *Epinogre*, *Epinogris*, seems to me to be an echo of this name. See also Rhys, *Arthurian Legend*.

had been a prince, metamorphosed for his sins.<sup>1</sup> Mabon is ultimately found through inquiring of the oldest creatures in the land—the Blackbird of Kilgwri, the Stag of Rhedynvre, the Owl of Cwm Cawlwyd,<sup>2</sup> the Eagle of Gwernabwy, and the Salmon of Llyn Lliw. Then commences the hunting of the Boar. The names of the hunters are given at great length, and probably, in this part of the narrative, we have the debris of many tales. The narrator is manifestly bringing into the story short summaries of other tales known to him. Amongst them may be mentioned :

- (1) The Death of Gwydre son of Llwydeu, who was killed by his uncle, Hueil, on which account there was hatred between Arthur and Hueil.
- (2) The Death of Kei, who was slain by Gwyddawc son of Menestr, Arthur afterwards slaying him and his brothers to avenge Kei.
- (3) The tale of Ol son of Olwydd. His father's swine were stolen seven years before his birth, but when he had grown up, Ol tracked the swine and brought them home in seven droves.
- (4) The rape of Kreiddylad by Gwyn vab Nudd, and the peace made by Arthur between him and Gwythyr vab Greidawl, which reminds us of the scrap of the tale of Trystan and Esyllt, already dealt with.
- (5) The tale of Osla's knife, which was broad enough to make a bridge for the hosts of Arthur to pass over a river.

These were evidently Arthurian tales, not otherwise known to us. There are really two boar hunts in the tale—the hunting of Ysgithrwyn Ben Beidd and the pursuit of Twrch Trwyd, but the latter may have formed a tale by itself at one time, of course.

The Hunt commences in Ireland, then, on to Wales, and from place to place in that country. This is the chief incident in the tale, and it is full of marvellous elements, undoubtedly of great antiquity. Arthur takes a prominent part in the hunt, and is throughout a primitive figure.

Ultimately, all the tasks are performed, the Giant himself is barbarously killed, and Olwen becomes the wife of Kulhwch.

There is no chivalry in the essential contents of this tale.

<sup>1</sup> *Triath* in Irish means *prince*. The form in *Kulhwch* is *Trwyth*, but in the metrical material we have the form *Trwyd*, which would be the regular Welsh correspondence with the Irish form.

<sup>2</sup> The writer heard the expression 'cyn hyned â'r dylluan' (as old as the owl) in the Hiraethog district some three or four years ago.

The description of the beauty of Olwen may have been influenced by later romance, and the tale includes a few words of French origin, but that is all. Arthur is here nothing like the Arthur of the continental romances, and the manners of his court are primitive. The proceedings at the Court of the Giant are still more primitive, and the men of Arthur exhibit no contrast.

Kei is, for instance, here said to have been the son of Kynyr Keinvarvawe, who tells the mother of Kei that if the son she bears be his, that son's heart would be cold ; there would be no heat in his hands ; he would be obstinate ; whenever he bore a burden, neither his face nor his back would be visible ; no one could face water or fire as he could ; and none could equal him as a servant or officer. Elsewhere in the story, Kei is said to have been passionate. He could hold his breath for nine days and nine nights under water, and remain sleepless for nine days and nights. A wound inflicted by his sword could not be cured. He could be as tall as the highest tree whenever he wished. Contrary to the prediction of Cynyr, his reputed father, it is here stated that his hand was so warm that a weapon held in it in the rain would be dry for a space above and below his hand, and that his comrades could warm themselves in the heat of his body on a cold day. This may have meant that Cynyr was not his father.

As Kei, for instance, takes part in the hunting of the Twrch Trwyd, the mention of his death must have been introduced by the story-teller from another tale known to him, a circumstance which shows that the raconteur was consciously augmenting his list of heroes who took part in the hunt. The fact that he makes proper names out of legal terms and ordinary words is evidence of the same process of story-telling.

Bedwyr is described as having been the handsomest man in the island, with the exception of Arthur and Drych eil Kibdar. Although he might fight with one hand against three armed men, he would first draw blood. His spear thrust made one wound and the withdrawal made nine.

Arthur himself appears in the tale as a King of Britain, surrounded by an immense number of warriors. Only sons of kings and craftsmen of skill (distinctively Gaelic terms) are allowed into his court, but he grants boons to all comers. He possesses magic belongings and marvellous attributes. His followers can accomplish miraculous deeds—one can flatten out the highest mountain in the world into a plain ; another can suck

dry the sea ; there is one who can spread his beard over the forty-eight rafters of the hall ; one who can see gnats against the dawn at the Hebrides whilst he is himself in Cornwall, and another who can walk on the tops of trees, crossing a forest in that way, instead of going through it or around it.<sup>1</sup> There are many other references to very primitive habits in the tale. The stepmother and stepson motive connects it with many Irish stories ; the circumstance of the thorn on the grave is found in Arab folklore ; there are Gaelic words and names, and possibly Scandinavian names also, in the narrative, and the hunting of the Boar, commencing in Ireland, reminds us of the tale of Diarmuid and Gráinne in Irish and Scottish Gaelic. In fact, the Gaelic character of much of the material is undeniable, and its antiquity cannot be doubted.

The imposition of difficult tasks for certain purposes is well known everywhere—modern sports and university examinations are really the same thing. Such tests preceded admission to the circle of the Irish Fiana. The candidate for admission had to overcome men armed with lances, whilst he himself stood up to the waist in a hole in the ground, armed only with a club and a shield ; he had to run through a forest, with plaited hair, followed by adjudicators ; had to leap over a line placed at the level of his forehead, to pass under another no higher than his knee, and to pull a thorn out of his foot. If the hair became loose, if the runner broke a dry twig with his foot, stopped, or was caught, his candidature was refused. Buddha is said to have gained his wife by competition. He had to shoot, ride horses and elephants, to fence, write a poem, to dance, to explain the meaning of dreams, to practise magic, and to foretell events. In fact, most ancient peoples seem to have got rid of their unfit through such tests—and we still speak of post-mortem examinations.

The long list given of those who participated in the hunting of the Twrch Trwyd is undoubtedly drawn from an immense mass of legendary material, which was evidently partly unintelligible to the raconteur. The whole composition, indeed, must be formed out of the debris of a vast wealth of earlier tales. The incidents are nothing like the adventures of the Continental stories, or of Malory, with his wearying 'jousts' and endless *clichés*.

Two princes of the twelfth century are named in 'The Dream

<sup>1</sup> A possible echo of the time when men lived mostly in the trees, and when they could traverse forests from branch to branch.

of Rhonabwy,' so that the version we know was probably written down about the middle of that century, and the names of the princes introduced by the raconteur. The material is, however, older.

These two princes, who are brothers, quarrel, one of them devastating the territory of the other. A host is sent, in charge of Rhonabwy, to avenge the wrong. Rhonabwy, with two friends, comes to the house of a certain Heilyn Goch, which is described, in a highly parodistic style, as an exceedingly vile place. They sleep there, on the skin of a yellow ox, and the dream of Rhonabwy forms the essential part of the tale. In the dream, Arthur and his men are seen sitting, in a level place on an island, and Rhonabwy and his friends are brought to them. The description of the splendour of Arthur and his host forms a striking contrast to the description of the house of Heilyn Goch, and is full of gorgeous colour. Arthur and Owein vab Uryen are described playing chess. A servant of Owein comes three times to tell him that Arthur's men are abusing his ravens. Owein asks Arthur to forbid them, and he replies each time, 'Play thy game.' The last time, Owein tells the page to put up his standard where the fight between the men and the ravens is thickest. This is done, and a servant comes thrice to tell Arthur that the ravens are killing his men. Arthur asks Owein to interfere, but he replies each time, 'Play thy game !' And so they play to the end. Some critics suggest that the incident of the Ravens is very old material ; others suggest that it is a Scandinavian element, as the Danes had ravens on their standards, and as there is more than a suspicion that Owein vab Uryen was a Kymricized Dane. It seems to me quite probable that Danes did become the leaders of Welsh populations in some districts, and that there is evidence of Scandinavian influence in the Welsh tales, but the bardic literature frequently refers to warriors as the feeders of the ravens and other birds of prey, so that it is difficult, without further evidence, to determine which interpretation is here the most likely.

Rhonabwy and his friends being brought to Arthur, he asks the guide : 'Where didst thou find these little men ?' 'I found them on the road, my lord,' replies the guide. And the Emperor smiled contemptuously. 'Lord,' says the guide, 'wherefore dost thou laugh ?' 'I laugh not,' replies Arthur, 'but I pity that such weaklings as these now govern this island, after the fine men who used formerly to govern it.' The descriptions of Arthur and his

hosts in this tale are, no doubt, literary creations, influenced, perhaps, by knowledge of Northern tales or of French romances, but the sleeping upon the skin of the ox and the dreaming are simply the ancient method of divination practised among the Irish, when they desired to know the secrets of the future ; and the contemptuous pity expressed by Arthur at the small stature of Rhonabwy and his friends, is paralleled in the story of Oisín on his return to Ireland after having spent three hundred years in Tír na n-Og. The Dream is undoubtedly an old story, introduced by a twelfth-century raconteur into a contemporary setting, and provided, perhaps, with additional colouring. Even if we accept the explanation of the Ravens as meaning Danes, we must infer the pre-Norman material of the tale.

The earliest version of 'Hanes Taliesin' is found in a sixteenth-century MS. The tale relates that the witch Ceridwen had a son named Afagddu, who was exceedingly ugly. To make amends for his ugliness, Ceridwen decides to endow him with genius (Awen), and boils a cauldron for the purpose. She engages Gwion Bach to mind the cauldron. One day three drops of the brew fall upon one of the boy's fingers. Naturally, he put the finger into his mouth, and so the inspiration was transferred to him. To avoid punishment he flees. Ceridwen pursues him, and in the course of a long flight, he transforms himself into various creatures. Ceridwen assumes different shapes accordingly—for instance, when Gwion becomes a fish, she becomes an eel, and when he turns into a dove, she takes the form of a hawk. Finally, Gwion, being hard pressed and seeing a heap of wheat grain on the ground, drops into it as a grain. Ceridwen becomes a hen, and swallows the grain of wheat. Gwion is then born as a son to her, and as he is so beautiful, she fails to kill him. She puts him into a bag, and casts him into the sea. He is then rescued by Elffin, a spendthrift prince, reduced to poverty and living by fishing. Elffin brings up the child, who becomes Taliesin. He defends his patron's wife from the wiles of a prince named Rhun, and rescues Elffin from the prison of Maelgwn Gwynedd, the father of Rhun, by overcoming his bards in contest.

Although this tale is usually treated as a late one, it undoubtedly is made up of very early elements. The transformation incidents, of course, are paralleled in general Folklore all the world over, but there are quite close parallels in Gaelic

and Breton. The association of Ceridwen with inspiration is found in the early poems attributed to Taliesin, and the tradition of bardic contests at the court of Maelgwn Gwynedd is mentioned as well in a twelfth-century poem. As Gildas describes the court of Maelgwn, with its pagan bards, it is possible that this part of the Taliesin legend has a historical basis. Arthur plays no part in the story, but is mentioned in the metrical part, and the basic material is undoubtedly of the same character as that found in *Kulhwch ac Olwen*.

An account of the Birth of Arthur, which can be shown to have been in writing in the fourteenth century, is found in some Welsh MSS. [Llanstephan 4, fourteenth century, only a fragment; Llanstephan 201, fifteenth century; Pen. 215, *circa* 1611.] The text has been edited (Cymmrodorion Series), by Principal J. H. Davies.

Compared with Malory's *Morte d'Arthur* and the various *Merlins*, this version is interesting and valuable. It proves that there was a Welsh traditional form of the tale. The writer makes Kaer Vuddai (probably Cirencester) the scene of Arthur's Coronation, rather than Silchester, as in Geoffrey of Monmouth. Whereas the name of Kei's father varies in the English and French material [Malory, Sir Ector; English Merlin, Antor; French Merlin, Auctor], he is here called Cynyr Varvawc of Penllyn [there is yet a Caer Gai in Penllyn.] In the Triads, the father of Kei is called Kynyr, and in *Kulhwch* the form of his name is Kynyr Keinvarvawc. Other names are given in a Welsh form, but the narrative agrees generally with the outside versions.

The other group of tales—'Iarlles y Ffynnon,' 'Gereint ac Enid,' and 'Peredur'—show French influences, no doubt.

They correspond roughly in incident to the French poems of Chrétien de Troyes, called 'Le Chevalier au Lion,' 'Erec,' and 'Le Conte del Graal,' and the problem is whether they are originally Welsh, or whether they are adaptations of French originals.

The discussion of the controversy on this subject is outside the object of this paper, but it may be useful briefly to indicate the main difference between the Welsh and the French versions.

In the first place, the French element is traceable in these Welsh versions—

(a) In the character of some of the descriptive passages, which

are less primitive than in the other group, and which show the manner and method of the conscious romantic writer.

(b) In the vagueness of the topographical detail, showing that the writers were dealing with an imaginary realm, rather than a country with the features of which they were acquainted in some detail.

(c) In the character of the magical elements and the super-human deeds attributed to the characters.

(d) In the introduction of purely chivalrous conduct, and the development of conscious ideas of chivalry.

These things may be held to be evidence of French influence, but if we examine them carefully, we find that we have to modify, in some respects, the value of the evidence. For instance, the romantic descriptive passages, which have been claimed as indicative of French origin, have parallels in the distinctively Welsh group. In reply to this, it may be pointed out that a few French loan-words are to be found even in *Kulhwch*. But some details, even in the most florid descriptive passages in the French-coloured romances, are found to be paralleled in early Gaelic material as well. Thus we are reduced to the necessity of determining whether such romantic description is necessarily confined to France, say from the twelfth century onwards. It seems quite possible that an early Gaelic or Brythonic writer could have been romantic.

With regard to the topographical vagueness, it is less in the Welsh tales than in the French ones, so that the compilers must have modified their French originals, if they had any, in accordance with their knowledge of something else.

A significant difference between the Welsh material and the French-coloured material is found in the character of the marvellous incidents related. In *Kulhwch* and the *Four Branches*, we know that we have to deal with debased gods, with beliefs that were at one time held by folk. In the French-coloured material, we know that we are concerned with conscious inventions in which nobody ever believed, extravagant creations which have not the symmetry of ancient belief.

The chivalry introduced is also different from the character of the more genuinely Welsh tales. It is conventional, and belongs to a community in which simple natural nobility had already passed into fixed, class customs. Thomas Stephens, an able Welsh critic of the last century, said that

'nothing could be more remote from the Kymric conception than Knight-errantry; the spirit of adventure has no place in our national character, and wherever it appears in our literature, we shall not greatly err in assigning it to a foreign origin. It only occurs in the stories of Owain, Geraint and Peredur, and is, I think, clearly post-Norman.'

Whether Stephens was thinking of the conscious pomp of conventional chivalry, or of the spirit of adventure, it is impossible to say, but there is a difference between the two things. The spirit of adventure is certainly *not* lacking even in earlier Welsh literature, and it certainly had a place in the 'national character' until Wales was converted into a vale of tears, where it was permissible only to think of a problematic other-world.<sup>1</sup> And even with regard to knight-errantry, Stephens, had he known Irish, would have seen that Fionn and his warriors form prototypes of Arthur and his knights. There is, indeed, a kind of chivalry among the Irish Fiana which possesses much more native nobility than the conventional practices of later romance.

These deductions show that there is something to be said on both sides, as usual in all controversies, but the greatest difference between the French-influenced Welsh material and the known French versions, in my opinion, is to be found in the character of the story-telling.

The Welsh versions are much more simple and coherent. In the poems of Chrétien de Troyes, the narrative is long and tortuous, with many unnecessary and cumbersome deflections, so that even if the Welsh versions are composite redactions, then the Welsh writers were incomparably the best story-tellers, judged by any standards.

For instance, in Chrétien's 'Chevalier au Lion,' over 4,500 words are taken to relate what only occupies a little over a thousand in 'Iarllles y Ffynnon.' The Welsh tale describes the sorrow of the Lady of the Fountain, at the funeral of her husband, in two sentences:

'And it was a marvel that the tips of her fingers were not bruised from the violence with which she smote her hands together. And her cry was louder than the shout of the men and the clamour of the trumpets.'<sup>2</sup>

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<sup>1</sup> Stephens, probably, had only a very limited acquaintance with the manuscript literature of the fifteenth and sixteenth centuries.

<sup>2</sup> A ryved oed na bei yssic penneu y bysed rac dyckynet y maedei y dwylaw y-gyt. Ac uch oed y diaspat noc a oed o dyn a chorn yn y llu.

Chrétien is more rhetorical and is clearly 'piling on the agony':

'Mais cele i remaint tote sole,  
Qui sovent se prent a la gole,  
Et tort ses poinz et bat ses paumes,  
Et lit en un sautier ses saumes  
Enluminé a letres d'or.'

In the Welsh tale, Owain's sudden passion for the lady is expressed in a sentence:

'No sooner had he beheld the lady than he became inflamed with her love, so that it took entire possession of him.'<sup>1</sup>

In Chrétien, Yvain takes about 80 lines to tell himself this. The statement amounts to a disquisition on love, which does not interest us at all. The Welsh story-teller at least gives us the impression that Owain is abrupt, if not unstable, in his passions, and the sequel justifies this. The incidents up to the marriage of Owain and the Lady, in the Welsh version, march quickly, in a way that illustrates much more completely Chrétien's own gibe at women's supposed inconstancy—

'Que feme a plus de mil corages.'

All the incidents in Chrétien are dragged out at great length, in a way that would make one give up reading a modern novel, whereas the Welsh raconteur is sufficiently condensed and suggestive to satisfy the demands of the modern short story.

Detailed inquiry of this kind would, I have no doubt, prove the claim that the art of the Welsh story-tellers is frequently superior.

At one time the Welsh 'Peredur,' for instance, was supposed to be a version of the work of Chrétien and his continuators. Detailed comparison and research, however, have established the fact that it cannot have been so. The MSS. from which our versions of 'Peredur' originate must have been written towards the end of the twelfth century, about the time when Chrétien wrote. The last part of the Welsh tale, therefore, could not have been taken from the continuators of Chrétien, who wrote in the thirteenth.

The Welsh version agrees often with the German 'Parzival,' and both disagree with Chrétien. Thus, the first part of the Welsh tale is not likely to have followed Chrétien. As the

<sup>1</sup> 'A phann welas ef y wreic, enynnu a wnaeth oe charyat yny oed gyflawn pop lle yndaw.'

German poem was written in the thirteenth century, it could not have been the source of the Welsh tale.<sup>1</sup>

Much more suggestive of origins, in my opinion, are the agreements of 'Peredur' with Irish material. For instance :

In the Welsh tale, Peredur is brought up in a forest by his mother, in order to keep him from the profession of arms, in which his father and brothers had been killed. He sees some Knights pass by one day. In spite of his mother's objection, he follows them and ultimately goes to his uncle, who teaches him. He is afterwards taught the use of arms by sorceresses.

Now, all these things happen to Cuchulainn in an Irish tale. Besides, Scathach, the sorceress, to whom Cuchulainn is sent, lives in Britain, and is a prophetess who knows all about Cuchulainn when he comes. The sorceress in the Welsh tale also knows Peredur beforehand. With the story of the severed head in 'Peredur,' compare the Welsh story of Brân, and many instances in Irish tales. In the second part of 'Peredur,' there is a passage describing black and white sheep.

'Ac val y breuei vn or defeit gwynnyon y deuei vn or defeit duon drwod ac y bydei wen.'

And the contrary. In 'Imram Curaig Mailduin,' most ancient MS. copied about 1100, there is a similar tale of sheep separated by a grille, and a man sending them through, at which they change colour. When Peredur goes to the Court of Arthur, his manners are simple and rustic—just those of a youth brought up in a forest. One of his boyish feats had been to catch wild stags through fleetness of foot. There is an Irish and Scottish Gaelic ballad called 'Laoi an Amadáin Mhór' ('The Lay of the Great Foal'), in which the hero is brought up in a forest, is so fleet of foot that he catches wild animals, goes to his uncle's court and is rudely treated there and called the great fool, as in the case of Peredur. This incident is also introduced in an English poem 'Sir Percyvelle,' and is paralleled in the treatment of Beaumains at the Court of Arthur in Malory. It is also interesting to note that the Breton folk-tale of 'Peronnik l'Idiot,' is a close parallel to parts of *Peredur* and *Laoi an Amadáin Mhór*. Peronnik is an orphan and a simpleton, he sees knights going to Kerglas to

<sup>1</sup> See Mary Rh. Williams, *Essai sur la composition du Roman gallois de Peredur*, 1909.

seek the golden basin and the diamond lance, meets with a dwarf and a black man, catches a wild colt, etc. Peredur, seeing a duck killed by a raven on the snow-covered ground, compares 'the blackness of the raven and the whiteness of the snow, and the redness of the blood,' to the hair, skin, and cheeks of the lady he loved most. This reminds us of a very similar comparison in the Irish tale of Deirdre. In the French, the point of the reference to the three colours seems to be missed. The animals introduced in *Peredur* also remind us of Irish tales. There are other minor resemblances to Gaelic material, and a number of parallels to folklore themes all the world over. Arthur's court and the incidents which happen there certainly remind us of *Kulhwch* and still more of Gaelic tales. The material is more primitive than it appears in the Continental romances.

It has been surmised that the Welsh tale is a fusion of three different stories, the second part probably containing matter which was in the primitive Peredur legend, and parts I. and III. being originally a tale of vengeance, subjected afterwards to the influences of the Graal material, but without introducing the Graal itself, a somewhat remarkable fact.<sup>1</sup>

Even the Graal itself, speaking generally, has probably supplanted some earlier miraculous vessel. It is suggestive that, in Malory, the Graal has the property of feeding the knights. According to the material called 'Tri Thlws ar Ddeg Ynys Prydain,' there were four vessels with similar properties—the Basket of Gwyddno Garanhir, 'sufficient food for one man was placed in it, and when it was opened, there would be in it sufficient for a hundred'; the Horn of Brangaled always provided the food and the drink desired; the Cauldron of the Giant Tyrnog would only boil food for a brave man; and the Dish of Rhagennydd provided whatever food might be desired. Such vessels play a very important part in Keltic legend. One is also mentioned in the Four Branches, as in Irish material, which restored life to the dead, and it will be remembered that, according to a *Book of Taliesin* poem, Arthur made an expedition to carry away the Cauldron of the Chief of Annwvn, which would boil no food for cowards.

The relation of the two other Welsh tales ('Iarlles y Ffynnawn' and 'Gereint ab Erbin') to the French versions is sufficiently illustrated for our purpose by this analysis of *Peredur*—that is to

<sup>1</sup> M. Rh. Williams, *op. cit.*

say, both Welsh and French versions seem to go back to earlier forms, which have been lost, but traces of French mannerisms are to be found in the Welsh tales.

The question how these tales first got into French brings us to the subject of the Arthurian legend in Breton. Did the Normans first become acquainted with it through insular material, or did they get it from the continental Bretons? It is not proposed here to do more than discuss a few considerations which would appear to be of some importance, more especially with regard to the light that Welsh material may throw on the question of Breton *lais*.

It would, of course, be very natural for Breton tales to have crept into French. Gaston Paris and Langlois ('Chrestomathie du Moyen Age') say :

'Au XII<sup>e</sup> siècle, en France, la matière épique commençait à s'épuiser, ceux des trouvères qui ne se contentaient pas de renouveler les récits de leurs devanciers eurent alors recours aux légendes étrangères. On commençait à connaître celles des Bretons, surtout depuis la conquête de l'Angleterre par les Normands.'

The last sentence seems to imply that the term 'Bretons' in this context means the insular as well as the continental descendants of the Brythons. This application of the term 'Breton' has caused uncertainty, and it would be well, in modern research, to define the term wherever used. Although the insular Britons early assumed the name of 'Kymry,' they were designated 'Ancient Britons' in English down to the eighteenth century and the early part of the nineteenth. On the Continent, the Brythonic race is called 'Breton' to this day, but in French, the inhabitants of Wales are called Gallois. It is likely, however, that the name 'Gallois' came into use during the thirteenth or fourteenth century, and that the earlier name in French for Britons, whether continental or insular, was 'Bretons.'

In another note in the same work, the editors state :

'On donna le nom de *lais* à des compositions que les musiciens bretons exécutaient sur leur *rote*, sorte de petite harpe, et qu'ils faisaient précéder d'un récit très court expliquant le sujet. Au XII<sup>e</sup> siècle des poètes mirent ces récits en vers, et leurs contes furent également appelés *lais*. Nous possédons une trentaine de ces contes. Comme les romans bretons, ils sont écrits en vers de huit syllabes ; comme eux, ce sont des contes d'aventures et d'amour, où le merveilleux occupe une très large place ; mais ils sont bien moins étendus, et

en général ne racontent qu'une "aventure." Le nom de *lai* s'appliquait en outre à des compositions lyriques très différentes des *lais bretons*.'

What is here said, no doubt, represents the facts, but one would like to know the exact authority for the definite statements made concerning the Breton *lais*, and whether they refer to continental Britons alone, or equally to insular Britons.

There is no Welsh word corresponding to *rote*, unless that is a form of the Gaulish *crotta*, which in Welsh is *crwth*. In Welsh, there is no romance, as such, in octosyllabic or any other verse, and the word *lai* is unknown, unless it is the basis of *lleision*, explained as meaning 'musician,' and which is conserved only as a surname.

If we turn to the Continental Britons, we find that no specimen of a Breton *lai* has been conserved. The earliest Breton verse known to us only goes back to 1450 or thereabouts, and octosyllabic lines, at least, do not predominate in the earlier dramatic poems and carols, which form the bulk of the metrical material of the middle period.

The metrical characteristics of this earlier verse, however, constitutes distinct proof that it is a continued tradition, but of verse of the Old Breton period we have no specimen. Ernault ('L'ancien vers Breton') claims with justice, that the rhyme peculiarities present in the earliest known Breton verse go back to a period preceding the Breton emigration from Great Britain, because those peculiarities are also found in the earliest Welsh material, traditionally said to belong to the sixth century. He claims even that there is evidence of the same peculiarities in Old Irish, which is an argument for still greater antiquity.

It is probable, of course, that there was a body of such tales in Brittany—in fact, we have the evidence of Alanus de Insulis that in the twelfth century, in the country districts, a man's life would have been endangered by a denial of the belief in the return of Arthur. These tales may have been told in alternate prose and verse passages, something after the manner of the *chanteable* in French, but unfortunately, all this material seems to have perished. Writing to a friend in Wales in the earlier part of the last century, Hersart de la Villemarqué asked whether songs of Arthur and Merlin had been preserved in Wales, or whether they were 'simples souvenirs,' as in Brittany. When this was written, Villemarqué, at any rate, had not met with anything of any extent

in Breton, but later he published his 'Barzaz Breiz,' claiming to be a collection of ballads and poems dating from the fifth and sixth centuries, in which Druids figured, as well as warriors like Arthur and magicians like Merlin. Many of the poems in themselves have real merit, but they are probably manipulations of Villemarqué, who was an extraordinary enthusiast. The Breton ballads collected by Luzel, a later scholar and poet, differ largely from Villemarqué's material. Yet, though the early Breton lays cannot be found, it is impossible to refuse to credit the French statement that there were such *lais*, and that the French *trouvères* made use of them, especially when one remembers the brief but significant tribute paid Brittany by Marie de France in the thirteenth century—'Bretaigne est Poésie.' Many of Villemarqué's poems are in tercet form. That fact, of course, may have no significance, but it would be interesting to know whether he could have had as his models any genuine examples of Breton folk-poetry in such form. The tercet, as a form, is early in Welsh, but the specimens noted in this paper (the Colloquy of Arthur and Gwenhwyvar, Arthur and the Eagle, and Tristan and Esyllt) exhibit a metrical regularity peculiar to themselves, compared, for instance, with *Englynion y Bedeu* or the tercets attributed to Llywarch Hen. They are also all likely to have been of Southern origin. One of them (Arthur and the Eagle) goes back at least to the second half of the twelfth century; another (Tristan and Esyllt) contains prose passages, while it is quite probable that the others formed parts of similar compositions. In them we have thus a well-marked type, practically non-alliterative and otherwise unlike the mass of Welsh bardic poetry, belonging to a period when Cornish association would be likely, and when that in turn may have meant Breton influence. The subject matter also falls in with the other considerations. 'Artus,' according to P. Paris,<sup>1</sup> 'est à la fois gallois et armoricain; Merlin, la Dame du Lac, Tristan et Marc sont bas-bretons.' With these conclusions I find myself in full agreement, and it seems to me possible, even probable, that these compositions reflect the character of the lost Breton *lais*, which, according to the French scholars already quoted, and others, were in prose and verse. Even strict bardic poetry in Welsh must, when sung, have been accompanied by prose explanations. In the case of such mixed narratives as those we are considering the *raconteur* would be likely to

<sup>1</sup> *Romania*, IV. 137.

know the metrical passages by heart ; he would introduce them into his narrative as a kind of ornament or argument, somewhat after the manner of improvisation. In this way, the prose portion of the narrative may have differed to some extent from time to time, even as related by the same person, thus never attaining an absolutely fixed form.<sup>1</sup> Such material would be more difficult to remember ; it would perish before the metrical passages, but even those would tend to disappear, especially if archaic in diction. Metrical debris of this type is found in Irish and Welsh recorded tales. Probably, the prose and metrical material of the Breton *lais* had perished before the habit of reducing such compositions to writing was introduced. In fact, the modern history of Breton folk-tales most probably illustrates for us what happened before. After the union of Brittany with France, the Breton nobility tended to become French-speaking, but the ordinary people preserved their old-world tales with a remarkable tenacity. During the last century, through the writings of men like Anatole le Braz, this extraordinary wealth of tradition, orally preserved for centuries, began to creep into French and to attract attention. As is the case always with such survivals, they were preserved by the poorer classes in the rural districts. An exact parallel is found in Wales to-day, with regard to Folk-songs, many of which have been obtained from paupers in work-houses. The circumstances, no doubt, were similar when the French poets discovered the value for them of the Breton lays. Although they had the honesty to admit the origin of the tales, they cared nothing about their Breton forms, and Breton lettered interest may have come too late to save the Breton lays. Only what Villemarqué described as ‘*simples souvenirs*’ remained. Even once before, the same thing had occurred in France, when the Gàuls adopted Latin as their speech, allowing the secrets of the Druids to pass into oblivion for ever.

In Britain, the general vogue of the Arthurian legend was started by the circulation of Geoffrey of Monmouth’s ‘*Historia Regum Britanniae*,’ which coincides with a period of great activity in Wales. Geoffrey died in 1155. His work was at one time accepted by many as history, though there were men who saw at once that it was romance. Later, it became the fashion to

<sup>1</sup> This is fully illustrated in the case of a very original Welsh *raconteur* of the present day, whose art is largely traditional, known to the writer. His stories show continual variation.

say that Geoffrey invented it himself. Now, it is generally considered that he merely manipulated a mass of traditional material. His own story is that he got the material from a book 'in the British language,' given to him by Walter, Archdeacon of Oxford, and that he translated this material into Latin.

De la Borderie, a competent Breton scholar, amongst others, is of opinion that Geoffrey had a Welsh original, but some critics seem to think that such a book would have been impossible. Miss Paton, for instance, thinks it highly improbable 'that Geoffrey's polished style can be a rendering of the rude diction in which an ancient British book would have been written.'<sup>1</sup> The notion that anything outside twelfth-century Latin must be 'rude' is somewhat old-fashioned. From a literary point of view, at any rate, Geoffrey's 'polished style' is no manner of improvement upon the style of the Four Branches of the Mabinogi, which must have attained a fixed form from fifty to a hundred years before 1139, when, according to Miss Paton herself, Geoffrey wrote his otherwise much maligned 'History.'

Whatever may be the truth with regard to the 'British Book,' there can be little doubt that Geoffrey's original material was Keltic folklore, which he manipulated and expanded.<sup>2</sup> His treatment of the story of Merlin, for instance, shows this. In the Nennian material, it is stated that Vortigern, harassed by the Saxons, sought to build a stronghold in Snowdonia, but that three times the building materials disappeared at night.<sup>3</sup> Vortigern's

<sup>1</sup> Introduction to Dr. Sebastian Evans' translation of Geoffrey.

<sup>2</sup> See *The Vita Merlini*, Univ. of Illinois Studies in Lang. and Lit., Vol. X., No. 3. John Jay Parry, 1925. This admirable study and translation reached me too late to enable me to have the full benefit of its scholarship and judgment. Mr. Parry accepts the probability of Geoffrey's authorship. 'I would suggest,' he writes, 'that at the time G. wrote the *Historia* he knew of Myrddin little more than the name. During the next ten years or so he learned something of the Welsh legends that clustered round him, and he tried to use these in a new work and to convince his readers that this Merlin was the same one he had written about previously.' And further: 'Much of the material . . . in this poem is undoubtedly Celtic. . . . There are also in Welsh literature a number of passages which have parallels in the work of Geoffrey but cannot be proved to be earlier than his time. If they stood alone it would perhaps be natural to assume that they were the imitations, but if we once admit that G. did know and use Welsh tradition I see no impossibility in the suggestion that these too (or rather earlier Welsh works from which these are taken) furnished G. with more of his ideas.'

<sup>3</sup> Welsh Folklore records other instances of the nocturnal demolition of

magicians said that unless the foundations were sprinkled with the blood of a child without a father, the structure would not stand.<sup>1</sup> Such a boy was found, in the district of Glewyssing, who finally explains the cause of the disappearance of the building materials, and advises Vortigern to build elsewhere and to give him the place in Snowdonia, which is done. The boy's name in the Nennian material is Emrys (hence 'Dinas Emrys,' in Snowdonia), and he explains to Vortigern that his father was a Roman consul.

Geoffrey re-tells this story, modified and expanded, by the inclusion, perhaps, of other stories. He gives the boy's name as Myrddin and says he was discovered at Caerfyrddin (Carmarthen), and relates that his mother was a nun and his father a demon. Why should he have changed the name of the boy? If the name had been Myrddin in the Nennian tale, the transference of the scene of his finding to Caerfyrddin would have been intelligible enough, though we know that the name 'Caerfyrddin' is from the Roman name 'Maridunum,' which is earlier than the time of Vortigern.

There is, however, another Myrddin, known in Welsh as Myrddin Wyllt, a Northern bard (Scottish, that is), said to have lived in the time of Rhydderch Hael, King of the Northern Britons, in the seventh century. In Latin, he was called Merlinus Silvestris, whereas the Emrys of the Nennian story was called Merlinus Ambrosius. We see thus that the name 'Merlinus Ambrosius' looks like a fusion of Myrddin and Emrys.

The legend of the Northern Myrddin is that he fought against Rhydderch in the Battle of Arderydd, and there slew Gwenddoleu, the son of his own sister, Gwenddydd, who fought on the other side. After this, Myrddin is said to have become mad and to have

building work. Such is the legend of Llangar, a small church near Cynwyd, in Merioneth. According to tradition, a soothsayer explained that to ensure the stability of the church it would have to be built on the spot denoted by the fall of a white deer which had to be hunted, hence the name—Llangar(w).

<sup>1</sup> In the writer's school-days, at Denbigh, there was a tradition among boys that the mortar used in the construction of the castle, locally known as "morter poeth," was mixed with human blood. A somewhat similar belief seems to have existed in Ireland:—'In the building of Derrynane [an eighteenth-century house in South Kerry] we may be sure, many bullocks were sacrificed, for without their blood to mix with the lime, a substantial mortar could not be made.' (Daniel Corkery, *The Hidden Ireland*, Dublin, 1925, p. 32).

lived in the forest of Celyddon (= Caledonia).<sup>1</sup> Poems of a cryptic character are attributed to him, but if they go back to him at all in origin—which is, of course, extremely doubtful—they have been modernized afterwards and made to refer to later events.

It is probable that there was a legendary character named Myrddin. There may also have been a North Briton bard of the same name, and the Merlin of Geoffrey may be a fusion of the two characters as well. In the Continental stories, Merlin is said to have been imprisoned in the forest of Brocelyande, in Brittany, by Vivien, whom he loved, through the might of his own magic, which he disclosed to her. According to Malory, he was buried alive in a rock. This tale is also reflected in the Welsh vaticinations, which make Merlin speak out of his grave, but in the Triads, he is fabled to have gone to sea in a glass vessel, and never to have returned. Some bardic references seem to suggest a variant form of this tradition.<sup>2</sup> These differences seem to point to two legends, at least.

Whatever may have been the origin of the Merlin legend, the stories of the births of Merlin and Arthur, as related in Geoffrey, are of the type found in Irish and in the Welsh *Pwyll*.

Merlin is simply the Celtic 'Wonder-child,' born of a mortal mother and an other-world father, and the story of Uther's passion for Igraine, with the means adopted by him to gain his object, is simply a modernized version of the coming of an other-world lover. We have seen that there is an earlier story of the Battle of Camlan, and we know that the story of Avallon is paralleled in early Irish material.

Geoffrey's own contributions—Arthur's foreign conquests and campaigns—are quite out of keeping with the basic material. The story of Arthur's encounter with the giant who had carried

<sup>1</sup> This story is exactly paralleled in Irish by the tale of *Suibhne Geilt*.

<sup>2</sup> See *Dafydd ap Gwilym a'i Gyfoeswyr*, p. 78 :—

'Gwnâf yno i hudo hon  
Glos o fanadl glas feinion,  
Modd y gwnaeth, saerniaeth serch,  
Myrddin dŷ gwydr am ordderch.'

Ieuan Dyfi has a similar reference (see *Cefn Coch MSS.*, 169)—

'Myrddin aeth, mawrddawn o wedd,  
Mewn gwydr er mwyn i gydwedd,  
Nod [= od ?] aeth, oedd adwyth iddi,  
Y drws oi hol a droes hi.'

away Hoel's niece, Helena (Bk. X., chap. III.) is a common type of folk-tale, but is related in the adventure style. In connection with it, the story-teller remembers another somewhat similar tale—the contest of Arthur and the Giant Ritho, which he only briefly mentions, as having occurred upon Mount Eryri (Snowdon). Now, Rhys Goch Eryri, a fifteenth-century bard, says that the grave of Rhita Gawr is in Snowdonia, but there is a version, recorded by Dr. Sion Dafydd Rhys, in the sixteenth century, which places the scene of the encounter in Merioneth.<sup>1</sup> This is, at least, good evidence that some of the material used by Geoffrey must have been known in Wales, and connected with various places in that country, not very long after Geoffrey's time. Although Geoffrey Normanizes his hero, he frequently fails to hide his origin—the Arthur of *Kulhwch ac Olwen* is seen through the disguise of chivalry. An adequate analysis of Geoffrey's material has yet to be made. That he freely dramatized cannot be doubted, but that he utilized material already put into literary form is equally certain, wherever it may have come from.

Finally, the attempt made here to review this aspect of the subject shows that, in Welsh material, at least, there are unmistakable traces of an extensive Arthurian tradition from which the later elements of conscious romancing are absent. The attempt to claim historicity for him is, I think, unconvincing. The result seems to demand a much more extensive comparison of Brythonic with Gaelic material, and the disentanglement of pure folklore elements from the impositions of the romancists.

T. GWYNN JONES.

<sup>1</sup> T. Gwynn Jones, *O Oes i Oes*. Wrexham, 1917.



## THE KELTIC GOD WITH THE HAMMER

THE number of monuments figuring the Keltic hammer-god is fairly large. A bronze figure of Prémieux, in the Côte d'Or, shows us a bearded divinity in a short tunic girdled at the waist. With his left hand he leans on the long handle of a hammer or a club, while in his right hand he holds a vase.<sup>1</sup> A large number of similar bronze figures have been found in other parts of France, though, apparently owing to the ravages of time, the hammer has been lost in the great majority of them.<sup>2</sup> The same divinity, complete with his hammer, is also found sculptured on altars now in the museums of Strasbourg, Salzbach and Lyons,<sup>3</sup> as well as on the bezel of a large silver ring at Vendeuil Caply in the Oise.<sup>4</sup> These monuments, however, give us no clue to the name of the hammer-god, as they are all uninscribed. The discovery of an altar near Sarrebourg,<sup>5</sup> on which the same divinity is sculptured, was therefore of great interest and importance. Here the god is accompanied by his female consort and the inscription reads *Deo Sucello Nantosvetae*. In *Sucellus* there can be no doubt that we have the name of the hammer-god. Zimmer<sup>6</sup> had already given an apposite etymology of the name as consisting of *su*, 'good,' and *cello* from \**celto*, the Germanic *helto*, 'handle of a sword, etc.' But Jubainville,<sup>7</sup> doubting the existence of *celto* in this sense, went one better and connected the second part of the name with \**keldos*, from the same root as that found in Latin *per-cello* and Greek *κλάω*, 'break off.'

The good-striker is an appropriate name for the hammer-god. But what really was the hammer for? That it was a highly important element in the figuration, and therefore of great ritual or cultural import, can be gathered from a Vienna statuette.<sup>8</sup> Here the god does not hold his hammer, but behind him is the

<sup>1</sup> *Revue Celtique*, Vol. I., p. 1.

<sup>2</sup> *ibid.*, p. 3.

<sup>3</sup> *ibid.*

<sup>4</sup> *ibid.*

<sup>5</sup> *id.* Vol. XVII., pp. 45-59.

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*

<sup>8</sup> *id.* Vol. I., p. 4.

trunk of a tree terminating in a hammer from which seven smaller hammers radiate.

With the hammer of Thor in their minds it has been easy for some to see in the Keltic hammer-god also a thunder divinity with his thunderbolt. Such was the opinion of Gaidoz,<sup>1</sup> according to whom the hammer was the Keltic and Teutonic symbol for the thunderbolt, and Rhys<sup>2</sup> adduces some philological equations to emphasize this community of ideas between Kelt and Teuton. Thus he connects the name of Thor's hammer Mjölfnir with Welsh *malu* and Old Bulgarian *mlatu*; while Welsh *melltyn* is cognate with Old Prussian *mealde*, Old Bulgarian *mlünig*. There is, of course, no difficulty in seeing the same root in the names of the hammer and of the thunderbolt. If the hammer was really the thunderbolt, we must assume that it fulfilled the same functions in the hands of Sucellus as it did in that of Thor. The latter's weapon is clearly the thunderbolt.<sup>3</sup> It is a missile which acts like a boomerang, returning to Thor's hand after striking the object. Thor was the husbandman's protector against the ravages of storm, rain and ice. His thunderbolt also destroyed the blight. With his hammer he breaks the clouds and cuts the ice-bound streams. He wages war on the giant Totnes, the personification of glaciers, which in spring endanger the fields with floods, as well as of other and less physical pestilences which imperil the husbandman's livelihood. Being thus a friend of the farmer, Thor also uses his hammer to soften or temper the frost-bound earth to admit of tilling. He is therefore the son of Earth, and husband of the golden-haired Sif, the Teutonic Ceres.

Just as Thor saved men from the ravages of flood, so it seems to have been a belief among the peasants of Gaul that the flood, the work of la Gargouille, could be stayed only by the intervention of Taranos.<sup>4</sup> A curious legend recorded by Gregory of Tours<sup>5</sup> appears to show that Taranos, like Thor, also waged war against less substantial foes. When his people were suffering and dying from an epidemic, Gallus, bishop of Clermont, prayed to heaven that succour be sent them. An angel appeared to him saying that his prayer was answered. And so it was; the plague was

<sup>1</sup> *Études*, p. 96.

<sup>2</sup> *Celtic Heathendom*, pp. 59, 60.

<sup>3</sup> For account of Thor here given, see J. F. Cerquand in *Rev. Celt.*, Vol. X., pp. 368-9.

<sup>4</sup> *ibid.*, p. 270.

<sup>5</sup> *ibid.*, p. 276; Gregor. Tours, *Hist. Eccl. Franc.*, IV., 5.

stayed. But afterwards it was found that on the walls of the houses had been inscribed a mysterious charm in the form of the Greek letter T. While it need not be doubted that the Gauls had learnt some Greek from Marseilles, it was a mere coincidence that the Gallic charm had the form of the Greek letter. Thus at Nîmes<sup>1</sup> one altar has what is evidently a copy of the Greek letter, while other altars of the same place as clearly have a hammer figured on them. The conclusion seems to be that while Gallus prayed to heaven, the superstitious peasantry had more confidence in the magical virtue of a charm in the shape of a hammer. And this hammer was the attribute of the Keltic thunder-god, Taranos, for on a stele now in the museum of Avignon we find figured Taranos Silvanus with a short-hafted hammer.<sup>2</sup>

It would thus be a simple matter to see in Sucellus, the hammer-god, only another name for Taranos, the god of the thunderbolt. This explanation would cover all the facts hitherto mentioned, except perhaps that the monuments do not seem to suggest a wielder of the fiery bolt. Where the monument is completely preserved we find a quiet-looking and benevolent figure not brandishing a weapon, but peaceably holding a vase in his right hand. It is the left hand that holds the hammer, and invariably he is leaning on it. Too much, of course, must not be made of this characterization. But there is one other element in the portrayal of the divinity, which is far from suggesting the thunder-god. To return to the monuments already referred to. Both on the Strasbourg and on the Salzbach altars the god has at his feet a three-headed Cerberus, which is replaced on the Lyons altar by a dog.<sup>3</sup> The former is clearly chthonic, and should be found only with a chthonic divinity. No less is the dog a chthonic animal in early religion. For Greece and Rome Plutarch<sup>4</sup> gives us succinctly the religious value of this animal. The Greeks devoted it to Hekate, an undoubtedly chthonic goddess. They used whelps in ceremonies of purification, and these were afterwards thrown out to Hekate at the cross-roads. In much the same way the sacrifice of a dog at the Roman Lupercalia had a purificatory intent.<sup>5</sup> In Rome also, besides the sacrifice of it to the obscure Genita Mana and to Robigus, the spirit of mildew,

<sup>1</sup> Cerquand, *op. cit.*, pp. 279-280. <sup>2</sup> *ibid.*

<sup>3</sup> *Rev. Celt.*, XVII., pp. 56-57; Reinach, *Bronzes figurés*, pp. 177, 182.

<sup>4</sup> *Quaest. Roman.*, 52, 68, 111.

<sup>5</sup> Fowler, *Roman Festivals*, pp. 313-314.

we find this animal associated with the Lares Praestites, these being represented in art with a dog at their feet.<sup>1</sup> The Lares probably were spirits of the earth,<sup>2</sup> symbolizing the productiveness of the land, whether of the family or of the state. In short, the dog was not offered to any of the Olympian gods.<sup>3</sup> That the animal had the same gloomy associations in Western Europe may be gathered from the fact that in the Middle Ages the devil was sometimes supposed to appear in the shape of a dog.<sup>4</sup> Nearer to us in time and place is the Highland superstition that it was unlucky for a dog to pass between the bride and bridegroom as they left the church.<sup>5</sup>

Outside of Gaul the Etruscan Charun seems to afford a very close parallel to the Hammer-god. Charun's fierceness of mien, however, is in striking contrast to the benevolent aspect of his Keltic counterpart. He appears in Etruscan art as a slayer of men in battle, as escort of souls, and as guardian of the entrance to the tomb.<sup>6</sup> He always holds in his hands a hammer with which he despatches those consigned to death. The Romans perpetuated in a strange custom this function of Charun. The person whose task it was to remove the bodies of fallen gladiators was dubbed by them *Dis Pater*, and he was armed with a hammer.<sup>7</sup>

So far attention has been given to only one of the material attributes of the Hammer-god. It is now necessary to see what significance can be attached to the vase which the god generally holds in his right hand. For some this vase or similar vessel has been the starting-point of their exposition of the nature of this divinity. Allmer and Mowatt,<sup>8</sup> for example, have concluded that the hammer is merely the implement of a woodman, and that the vase is a wooden one, the woodman's handiwork. This is also the view of H. Hubert, who says,<sup>9</sup> 'Le vase est le vase à boire. . . . Le maillet, quand il n'est pas stylisé, est un maillet de tonnelier. C'est un outil professionnel, comme le serpe ou

<sup>1</sup> Fowler, *Roman Festivals*, pp. 101, 351-352.

<sup>2</sup> *ibid.*, cf. *Religious Experience of the Roman People*, p. 78.

<sup>3</sup> Plutarch, *Q.R.*, 111.

<sup>4</sup> Grimm, *Deutsche Myth.*, I., p. 248.

<sup>5</sup> Campbell, *Popular Tales of the West Highlands*, I., p. 89.

<sup>6</sup> Roscher, *Lex.*, I., p. 886.

<sup>7</sup> Tertullian, *adv. Nat.*, I., 10; for the Etruscan Charun see Martha, *L'art étrusque*, pp. 178, 361, 365, 395-7, 487.

<sup>8</sup> See Toutain, *Les cultes païens dans l'empire romain*, p. 227.

<sup>9</sup> *Revue archéologique* (1915), I., p. 32.

le *pedum* de Silvain.' The Hammer-god is by this argument a god of the woodland and the patron of workers in wood.

This leads to the question whether the Hammer-god is the Gallo-Roman Silvanus. Toutain <sup>1</sup> concludes that he is, citing an inscription <sup>2</sup> which shows that the Italian Silvanus was known in Gaul as a god of the woods and a protector of gardens. The accompanying dog marks a pastoral divinity, while the fact that the god sometimes wears the skin of a wolf <sup>3</sup> further brings out his resemblance to Silvanus, *exactor luporum*.

At first sight this view seems to be supported by the monuments and inscriptions. There is, for example, the short-hafted hammer of Taranos Silvanus already mentioned. A bas-relief of Kaiserslautern <sup>4</sup> has the figure of a divinity holding what is apparently a hammer, and underneath is the inscription *D. Silvano*. Finally, Gallo-Roman altars dedicated to Silvanus often have the hammer figured on them.<sup>5</sup> In *Bronzes figurés* <sup>6</sup> S. Reinach identified the Hammer-god with Silvanus, but in *Cultes, mythes et religions* <sup>7</sup> he expresses himself thus, 'Maintenant, je suis le premier à convenir que le dieu au maillet n'est pas plus Sérapis qu'il n'est pas Silvain.'

The obstacle to such identification seems to be that the Gallic Hammer-god is surrounded by attributes which are preponderatingly chthonic. Toutain himself guardedly admits this.<sup>8</sup> 'Le chien du dieu des bergers est devenu Cerbère, le gardien du monde infernal. S'il est vrai que deux images du dieu au maillet aient réellement porté un *modius*, il faut en conclure qu'il y a en des cas où ce dieu a été assimilé au principal dieu chtonien de la religion gréco-romain, Pluto-Dispater-Serapis. Nous disons : dieu chtonien et non pas dieu infernal, parceque, s'il est vrai que la source de toute végétation soit la terre, il n'en résulte pas que les divinités qui personnifient cette végétation soient forcément en relations avec la mort et les enfers.' While the last statement hardly gives a correct view of primitive religious thought,<sup>9</sup> Toutain is right in stressing the benevolent character of the Hammer-god, which is shown not only by his general aspect but by his very name of Sucellus.

But Silvanus was a chthonian neither in Italy nor in Gaul, though attempts have been made to show that he underwent

<sup>1</sup> *op. cit.*, p. 235.

<sup>2</sup> *Corpus Inscr. Lat.*, XII., 103.

<sup>3</sup> See Reinach, *Bronzes figurés*, p. 162.

<sup>4</sup> *Rev. Celt.*, XVII., p. 52.

<sup>5</sup> *ibid.*

<sup>6</sup> p. 162.

<sup>7</sup> *I.*, p. 230.

<sup>8</sup> *op. cit.*, p. 237.

<sup>9</sup> See below, p. 101.

some sort of development into one.<sup>1</sup> An ingenious suggestion, which, if valid, would solve the difficulty, has been made by MacCulloch.<sup>2</sup> In view of the name Selvanus appearing on one inscription, it is not impossible that there was a native Gallic god whose name is connected with the Irish *sealbh*, 'possession,' 'cattle.' This brings us back again to the veritable nature of the Hammer-god; he was a dispenser of riches. As symbols he therefore bears the vase and occasionally the *torques*,<sup>3</sup> while his consort Nantosvelta generally carries the cornucopia.<sup>4</sup>

The conclusion, therefore, seems inevitable that the Hammer-god was an earth-god, but the significance of the hammer remains unexplained, its identity with the thunderbolt not being accepted. Rather than agree with Hubert's view Toutain<sup>5</sup> prefers to say, 'Le sens du maillet reste énigmatique,' there being no ancient legend or tradition which can give a clue to the problem. But some glimmer of light is shed on this question by Irish mythology. If it is correct to see in the Hammer-god a creator of wealth in all the forms of it which are necessary for the life of man, a mythological counterpart of his may be seen in Dagda, the king of the Tuatha Dé Danann, who was dispossessed by Aengus or the Mac Óc, 'Mythical objects associated with Dagda suggest plenty and fertility, his cauldron which satisfied all comers, his unfailing swine, one always living, the other ready for cooking, a vessel of ale, and three trees always laden with fruit. In some myths he appears with a huge club or fork, and M. D'Arbois<sup>6</sup> suggests that he may thus be an equivalent of the Gaulish god with the hammer.'<sup>7</sup>

The creative force of the hammer of an earth-god, the lord of life, and perhaps of death, must have been exercised in a wider sphere than in the making of wooden utensils, useful though these may be. The method of the working of the hammer is perhaps illustrated by certain Greek customs and beliefs. Fifth-century Greek vases show us the *anodos* of Ge or Pandora. A large female head is seen rising out of an artificial mound, while round about are Satyrs with hammers in the act of striking.<sup>8</sup> Another vase of the same period shows us the maidenly form of

<sup>1</sup> Reinach, *Bronzes figurés*, p. 162; Flouest, *Deux stèles de laraire*, pp. 28 f.

<sup>2</sup> *The Religion of the Ancient Celts*, p. 37.

<sup>3</sup> Toutain, *op. cit.*, p. 226.

<sup>4</sup> *ibid.*, p. 232.

<sup>5</sup> *ibid.*, p. 236.

<sup>6</sup> *Cours de littérature celtique*, V., pp. 427, 448.

<sup>7</sup> MacCulloch, *op. cit.*, pp. 78-79.

<sup>8</sup> Farnell, *Cults of the Greek States*, III., p. 25.

Persephone being evoked by Hermes with his rod.<sup>1</sup> We have here evidently a reminiscence of a ritual of striking the earth to call forth the vegetation. Ge, Pandora, and Persephone are but later personifications of what was originally conceived as the formless earth-spirit that was responsible for the growth of vegetation. Later, of course, the act of striking might be interpreted as done to make the spirits hear, as when Althaia makes the Erinys hear by beating the ground with her hands.<sup>2</sup> The original significance of the practice is well illustrated by a piece of Arcadian ritual. At Pheneus in Arcadia<sup>3</sup> the priest of Demeter Kidaria impersonated the goddess by putting on a mask. With a rod he then struck on the ground. Here the priest in the guise of the goddess is doing what he believes and wishes the goddess to do, namely, to strike the earth to make it give forth its produce. It is true his implement is a rod, as that of Hermes was, but the Satyrs, as already seen, used hammers. And a strange survival into Christian times of this ritual is preserved in an Armenian MS.<sup>4</sup> There the legend is recorded that Christ descended from heaven and with a golden hammer smote upon the earth and called forth his church. Hermes, who evokes Persephone, though a pastoral deity, has little to do with agriculture. But it is he who leads the dead to their abode in Hades, and this is interesting when we compare with it the duties of Charun. It shows us, though evidence is lacking on Keltic ground, that the deity who can use his rod to summon life out of the earth, has as his function also that of conducting life when spent back to the earth, its original home. In early thought no distinction is made between animal and plant life in this respect, and as a result there was a vague belief in a close connection between the vegetation that grew out of the earth and the dead who were buried in it. Hence the Athenian custom of expiating the ground after burial with fruits.<sup>5</sup> As Hippocrates expressed it, 'From the dead come nutrition, growth and seeds.'<sup>6</sup>

The use of the hammer by a chthonic deity is thus clear. With it he can summon life out from the earth. It is true we do not see him actually doing this on the Gallic monuments. There

<sup>1</sup> Harrison, *Prolegomena to the Study of Greek Religion*, p. 278.

<sup>2</sup> Homer, *Iliad*, IX., 500-1.

<sup>3</sup> Pausanias, VIII., 15. 1.

<sup>4</sup> Farnell, *ibid.*, p. 26.

<sup>5</sup> Cicero, *de Legg.* 2. 25. 63.

<sup>6</sup> *On Dreams*, II., 14, ἀπὸ γὰρ τῶν ἀποθανόντων αἱ τροφαὶ καὶ αὐξήσεις καὶ σπέρματα.

was another divine dispenser of the earth's riches, namely, the squatting god as seen on an altar at Rheims, and on another in Paris, where he is named Cernunos. But this does not exclude the possibility that the Hammer-god could perform the same functions, perhaps on a less pastoral and a more agricultural basis than Cernunos. The *torques*, the symbol of wealth, is an invariable attribute of Cernunos, and, as has been seen, it is not unknown as an attribute of the Hammer-god. There may well have been two conceptions of the earth-god, for the squatting god is not found in the same regions as the Hammer-god, and what we can discover about Keltic religion does not lead us to expect any deity holding sway beyond a rather limited extent.

But if the Hammer-god is not seen actually performing his functions on the monuments, could he not still be doing so in the imagination of the people? If so, then we can understand why Caesar should attribute to the Gauls the belief that they were descended from Dispater.<sup>1</sup> Dispater is Caesar's name for the chthonic god who, with his hammer, summoned out of the earth not only the things pertaining to life, but human life itself.

J. J. JONES.

<sup>1</sup> *De Bello Gallico.*, IV., 18.

[For a discussion of the Hammer-god see also Rhys, *Celtic Heathendom*, pp. 61 ff., who identifies the Hammer-god on the one hand with Esus, and, on the other, with Silvanus. But Esus cannot be shown on the monuments to be wielding a hammer, while the character of the Italian Silvanus would hardly admit of his identification with a tender of trees, if such be the real function of Esus. See Czarnowski, *L'arbre d'Esus* in *Rev. Celt.*, xlii. pp. 1-57.]



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# ABERYSTWYTH STUDIES

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MEMBERS OF THE UNIVERSITY  
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## THE SCENERY OF VERGIL'S ECLOGUES

It appears to be still a common idea, fostered by such commentators as Conington, that the scenery of Vergil's Eclogues is purely conventional and, as such, inaccurate. Thus Conington says, in his Introduction to the First Eclogue,

'The scenery, as in other Eclogues, is confused and conventional, the beeches, caverns, mountains and rocks belonging to Sicily, while the marshy river is from Mantua.'

So he remarks in his introduction to the Second Eclogue,

'The beeches and mountains again point to Sicily, not to Mantua, and Sicily is expressly mentioned in v. 21.'

So of the Third Eclogue,

'The scenery is at least in part Sicilian.'

And of the Fifth,

'The scenery is again from Theokritos.'

Of the Seventh,

'Arcadian shepherds are made to sing in the neighbourhood of the Mincius, while neither the ilex, the lime, the chestnut, nor the flocks of goats, seem to belong to Mantua.'

And of the Ninth,

'As there are no hills and beeches in the Mantuan territory, which, if any, must be referred to vv. 7 foll., the scenery seems to be imaginary or confused, a conclusion confirmed by v. 57.'<sup>1</sup>

To any one who has ever traversed North Italy and walked, as one of the authors has, many scores and even hundreds of miles of her mountain territory on foot, there is something richly amusing in statements of this kind. That Conington should suppose there are no beech-trees or pines or caves nearer to Vergil's home-lands than those of Sicily is positively comic. The notion that Vergil is everywhere and always imitating Theokritos becomes a positive obsession to the worthy, but deadly dull, Victorian. It is on a par with that untimely Puritanism which enables him to find nothing in the immortal

<sup>1</sup> Et nunc omne tibi stratum silet aequor.

Second Eclogue, one of the most exquisite things ever penned by man, save degradation. Since his day, however, there are commentators who try to find what Vergil meant, instead of reading their own ideas into him.

Prof. R. S. Conway, in his article in *Discovery* (Vol. IV, p. 208 foll.), entitled, *Where was Vergil Born?* shows good reason to believe, mainly on the evidence of inscriptions adduced by Mr. (now Prof.) G. E. K. Brauhnoltz, that Vergil's actual birthplace,—the village of Andes,—was probably among the foot-hills of the Alps, at the modern Calvisano; he describes it as 'the last outpost of the Alps in the direction of Mantua.' Prof. Conway also distinguishes between the Eclogues; the even numbers on the whole deal with foreign scenery,<sup>1</sup> or, as he puts it,

'In the Second Eclogue . . . the speaker expressly declares that he has "a thousand sheep wandering on Sicilian mountains"; therefore they are in Sicily; therefore it seems hardly worth while to complain that they are not in Mantua! . . . The scene of the Eighth Eclogue is wholly Greek; the Sixth and Tenth follow Vergil's friend Gallus over the whole poetical world. . . . And finally we have the Fourth Eclogue, which sets out to prophesy a new world and ascribes to it all the riches of every known land.'

Professor Conway thinks that Vergil has chosen five poems with a local setting, in his odd numbers, and five in other scenes, and arranged them alternately.

But we may surely go further than this in the parallel between Vergil's Eclogues and his native scenery. Even to-day it is the custom in all parts of Italy, when the hot weather comes on, to drive the flocks and herds up into mountain pastures; the grass in the plains is soon withered in the intense heat, that in the foot-hills follows, and as the summer progresses, the pasture is found at ever higher and higher levels. To the Mantuans of Vergil's time, the slopes of the Alps themselves furnished the obvious summer pasture-ground. If it be objected that the Alps lie outside Mantuan territory, not being even within the borders of Cisalpine Gaul, the answer is not far to seek; shepherds looking for suitable pasture paid little attention to provincial or even national boundaries. The Boiotian Kithairon was never, we may be sure, part of Corinthian territory; but it is there that the herdsman of Laios of Thebes meets the herdsman of Polybos of

<sup>1</sup> See note at end.

Corinth, in Sophokles,<sup>1</sup> of whom we may reasonably suppose that he knew how things were done within a few miles of his own native place. Varro is not writing a poem, but a practical treatise on ranching, when he makes his interlocutor say,

‘Pastures are generally scattered far and wide in different places, so that the winter grazing-grounds are often many miles from the summer ones.’ To which he himself replies, ‘Yes, I know; for my herds used to winter in Apulia, when they summered in the mountains about Reate.’<sup>2</sup>

If then the estate of Vergil’s father was situated at Calvisano, almost among the foot-hills, it is all the more likely that his flocks and herds would be driven up to the high ground in hot weather.

Even to-day, on both sides of the Alpine chain, it is possible to see whole villages in migration; having one station for the summer and another, much lower down, for the winter, they drive their animals and convey a considerable part of their household baggage up to the hills for summer, and bring the animals and the baggage down again before winter commences.

If this possibility be taken into consideration and we assume, a thing which is in itself exceedingly probable, that Vergil knew a certain portion of the mountain region above his father’s home, we can understand much better the scenery of the Eclogues. We understand at once whence Vergil derived his ‘beeches’ and ‘pines’ and ‘caves,’ and where he saw his flocks of goats. Indeed we may go further: Vergil is one of the most true and accurate of nature-poets; the Eclogues could have been composed only by a writer well acquainted with mountain scenery, and they show, if they are interpreted as belonging to the Italian Alps, a most remarkable fineness and truth of detail. The very points which Conington quotes to illustrate their confusion are, on the contrary, a proof of their accuracy.

Thus, the Italian Alps show four different zones of climate; it is possible to walk through all four zones in a single day (one

<sup>1</sup> *Oedipus Tyrannus*, 1133 foll. For a good discussion of the practice, with modern examples, see Roscher’s *Lexikon*, III, 1382; it survives in Spain as well as in Italy.

<sup>2</sup> *De re rustica*, II, 2, 9: longe enim et late in diuersis locis pasci solent, ut multa milia absint saepe hibernae pastiones ab aestiuis. ego uero scio, inquam: nam mihi greges in Apulia hibernabant qui in Reatinis montibus aestiuabant.

of the present authors has repeatedly done so), and there are points where all the phenomena which Vergil places in connection can be actually observed, and just as he describes them.

These four zones of climate are :

(1) Corresponding to the Arctic Zone : a region of snow, pine, grass and Alpine flora.

(2) Corresponding to the North Temperate Zone : a region of beech and oak woods, apple, pear and plum orchards, roses, etc.

(3) Walnut and chestnut woods, often covering the foot-hills to the very summits.

(4) Region of the vine ; peach-trees, oleanders.

Of course all four regions interpenetrate more or less ; on the southern slopes the vine can be grown several thousand feet high, and on the southern slopes again, the beech woods climb up into a region which is elsewhere a region of pine only. Thus there is nothing whatever unusual in Vergil's combinations of apples and vines, of beech and pine ; and a marsh can be found in any place where impervious strata occupy a hollow ; nothing is more common than to find such a marsh intervening among pine-woods, and it is difficult to see why Conington should regularly interpret every mention of swampy ground as referring to the immediate neighbourhood of Mantua.

Vergil's scenery is in all its details that of a mountain region and implies mountains of a considerable height ; even in the Eclogues with even numbers which are, as Prof. Conway believes, deliberately foreign, the same type of scenery is still described, as we should indeed expect to be the case if Vergil knew it well. Thus, to illustrate by a modern example, we find in Shelley's *Prometheus Unbound* scenery which purports to be in the Indian Caucasus ; but Shelley had never visited that region, and the scenery which he is really describing is that of Switzerland, with which he was familiar.

Especially typical of a mountain region are the sweet and cold waters which retain their freshness and purity even in the most torrid heats of summer. Nowhere on the Italian plain can such cool waters be found ; the majority of the streams are almost dried up in summer, what is left of them is tepid, accumulates in shallow pools and tends to become foul. But in the mountain regions the fountains and streams are more abundant in hot weather, and also fresher and colder, for the hotter the sun the more the ice melts above, and hence the more gushing, abundant and cool are

the torrents. It is certainly such fresh, sweet, abundant water that Vergil describes, and nowhere the hot, stagnant waters of the Italian plain. Moreover, to make assurance doubly sure, these fresh, sweet waters are described as among pine-trees, which is possibly only on the higher mountain slopes. We may quote as examples, I, 38-40,

ipsae te, Tityre, pinus,  
ipsi te fontes, ipsa haec arbusta uocabant.

Also V, 25,

non ulli pastos illis egere diebus  
frigida, Daphni, boues ad flumina.

Here the streams are called *frigida*, which certainly could not apply to any rivers on the Italian plain in summer, and, under an Italian sun, applies only to those streams whose waters emerge from melting ice or snow, or from the living rock. It is equally obvious that the waters are sweet, as in V, 45,

tale tuum carmen nobis, diuine poeta,  
quale sopor fessis in gramine, quale per aestum  
dulcis aquae saliente sitim restinguere riuo.

Here the poet finds in summer heat sweet water delicious to drink ; but in the lowlands, the waters resemble those of a sewage farm and are often positively poisonous to drink. Even the marsh (I, 38-48) occurs in close neighbourhood to the pine, and is therefore a mountain marsh.

And just as the sweet, cold waters are undeniably mountain streams, so the fresh, soft grass which grows by them is certainly mountain grass ; on the plain, and even on the lower hills, it is withered away long before the summer reaches its height, but on the mountains it keeps, especially on the colder slopes and in the shade, perpetually fresh and green. We may quote the famous passage in VII, 45-7,

muscosi fontes et somno mollior herba  
et quae vos rara uiridis tegit arbutus umbra,  
solstitium pecori defendite.

Where except on mountains could Vergil have found mossy springs and grass 'softer than sleep,' defying even the heat of the solstice ?

Another beautiful appearance, typical of high altitudes, is the suddenness with which the slopes grow green again after rain ; in the hot sun the grass on the exposed hillsides has been burnt brown ; two or three days of rain intervene and everything is

green again. Vergil had seen this phenomenon and rejoiced in it : VII, 57-60,

Aret ager ; uitio moriens sitit aëris herba,  
Liber pampineas inuidit collibus umbras ;  
Phyllidis aduentu nostrae nemus omne uirebit,  
Iuppiter et laeto descendet plurimus imbre.

Similar evidence is given by Vergil's references to the cold shadow of night and to the thick dew ; on the Italian plain the night is not cold, it remains hot and is sometimes even more oppressive than the day ; but in the mountain regions the cold air descends from the snows and makes the night deliciously cool and refreshing. Compare VIII, 14,

Frigida uix caelo noctis decesserat umbra,  
cum ros in tenera pecori gratissimus herba.

Here the shade of the night is called *frigida* ; we must certainly have a very evident degree of cold, and the same fact is suggested by the rich, abundant dew.

The trees of the different regions are very plainly suggested. Thus we have the pine-tree again in VII, 24,

aut, si non possumus omnes,  
hic arguta sacra pendebit fistula pinu.

The beech is introduced, as in I, 1,

tu patulae recubans sub tegmine fagi,  
and also in II, 3,

tantum inter densas, umbrosa cacumina, fagos,  
adsidue ueniebat.

Even if the scene of this Eclogue is in Sicily (see note at end), Vergil could certainly have seen the same kind of beech-forests covering the foot-hills of the Alps to their very summits. Oaks occur, although in a somewhat fantastic context, VI, 27-8,

tum uero in numerum Faunosque ferasque uideres  
ludere, tum rigidas motare cacumina quercus,  
or in IV, 30,

et durae quercus sudabunt roscida mella.

The holm-oak (*ilex*), such as grew over the spring of Bandusia,<sup>1</sup> is a tree of lower levels ; we find it, for instance, in VII, 1,

Forte sub arguta consederat ilice Daphnis.

To the same region as the beech there belong also abundant apple orchards. There is a vivid picture of 'golden' apples, presumably those ripe in autumn, given in III, 71,

<sup>1</sup> Horace, *Odes*, III, 13, 14.

Quod potui, puero-siluestri ex arbore lecta  
aurea mala decem misi.

Another reference to apples, or some tree fruit, occurs in I, 34,

Mirabar quid maesta deos, Amarylli, uocares,  
cui pendere sua patereris in arbore poma ;

apples lie under the trees, in VII, 54,

strata iacent passim sua quaeque sub arbore poma,

and, most famous of all, there are the dewy apples of VIII, 38,

saepibus in nostris paruam te roscida mala,

dux ego uester eram, uidi cum matre legentem.

Pears belong to the same zone, and on particularly sunny hills the grape is already appearing ; IX, 48,

astrum quo segetes gauderent frugibus, et quo

duceret apricis in collibus uua colores.

insere, Daphni, piros.

So vines and pears are again mentioned in I, 72,

insere nunc, Meliboeae, piros, pone ordine uitis.

Another fruit characteristic of the mountains is the wild strawberry ; this is found in such quantities in the woods that in many places the ground is covered with them as with a red carpet. They are gathered in abundance and, eaten with the cream from the mountain milk, are one of the chief local dainties. Vergil had seen children gather them ; III, 92,

Qui legis flores et humi nascentia fraga,

frigidus, o pueri fugite hinc, latet anguis in herba.

Bees, again, are very frequent in the mountains, and make a particularly famous kind of honey ; there are vast stretches of wild thyme, and the Alpine flora is especially rich, varied and fine-scented ; the honey made from such mountain-slopes is, in consequence, more fragrant and rarer in its flavour than that from other regions. There is, for example, a special kind of honey, called, from the place where it is made, *mele di Monte Rosa*, which is renowned all over Italy. Vergil frequently mentions bees, and the way in which he associates them with fountains and cold shade shows that it is the mountain bees of which he is thinking, I, 51-55,

fortunate senex, hic inter flumina nota

et fontis sacros frigus captabis opacum ;

hinc tibi, quae semper, uicino ab limite saepes,

Hyblaeis apibus florem depasta salicti,

saepe leui somnum suadebit inire susurro.

So again he mentions the bees on the wild thyme: V, 77,  
*dumque thymo pascuntur apes, dum rore cicadae.*

The reference to the cicadae and the dew is also interesting. Creatures of this grasshopper type occur, of course, all over Italy; but they are particularly abundant on high mountains, because of the great quantity of grass and flowers, combined with the hot sun and moisture; they can be seen in many colours and are abroad particularly in the heavy dew of the early morning; the meadows are literally alive with them and their sound. So also in II, 13,

*sole sub ardenti resonant arbusta cicadis.*

In this latter case, however, the cicadae are in bushes, and therefore might belong to any part of Italy.

Vergil is fond of mountain flowers: there is the famous picture of the white bull lying on *hyacinthi* (fritillaries?)<sup>1</sup> and ruminating pale grass: VI, 52-53,

*a, uirgo infelix, tu nunc in montibus erras;  
 ille, latus niueum molli fultus hyacintho,  
 ilice sub nigra pallentes ruminat herbas.*

The *pallentes herbae* might refer either to the grass which has grown pale in the bull's mouth or to the pale fresh green of the mountain herbage; the deliberate contrast with the dark tree under which the bull is lying might suggest the latter, did not the antithesis *tu nunc . . . ille* make it plain that, while Pasiphae is in the mountains, the bull is somewhere lower down.

Even in the 'Sicilian' eclogue it is mainly the mountain flowers, as he might have seen them in the Alps, to which Vergil refers: II, 18,

*alba ligustra (privet?) cadunt, uaccinia (Alpine viola?) nigra  
 leguntur.*

The same may be said of the wild *violae*, which grow with poppies, narcissis and *hyacinthi*; if they refer to the wild yellow pansy, they are a typical mountain flower: II, 46-50,

*tibi candida Nais  
 pallentis uioles et summa papauera carpens,  
 narcissum et florem iungit bene olentis anethi;  
 tum casia atque aliis intexens suauibus herbis,  
 mollia luteola pingit uaccinia calta.*

Vergil of course speaks very frequently of cowherds and goat-herds. The method of pasturing he describes is still that in

<sup>1</sup> See *Classical Review*, XXXV (1921), p. 146.

common use. There are no fences to limit the herds from straying, or to mark off one pasture from another, so it is necessary for the cowherd or goatherd to keep with his animals and to attend them the whole day. Very naturally he plays upon his pipe, or carves wood, or occupies himself with some similar pastime, to while away the hours. One can still see two herds who happen to meet playing upon their pipes in concert, not unlike Damon and Alphisiboeus (VIII, 1). Moreover, the pipe is not infrequently used to summon the animals themselves; in some places the cowherd and the goatherd will walk through the village in the early morning, the cowherd playing one distinctive tune upon his pipe and the goatherd another, and the animals, recognising their own tunes, will come out and follow the right herdsman to the pasture. The muleteers do the same thing; they also pipe to their mules on long stretches of the road either up or down.<sup>1</sup> Now of course these musical cowherds and goatherds are a marked feature of Vergil's poetry: I, 9-10,

ille meas errare boues, ut cernis, et ipsum  
ludere quae uellem calamo permisit agresti.

II, 28 ff.,

o tantum libeat mecum tibi sordida rura  
atque humilis habitare casas et figere ceruos  
haedorumque gregem uiridi compellere hibisco!  
mecum una in siluis imitabere Pana canendo . . .  
nec te paeniteat calamo triuisse labellum.

That the mountain herds are meant is clear from many passages, as that already quoted from VII, 24, where one of them hangs his flute upon a pine.

Vergil knows admirably the habits of the different animals and has perfect pictures in his mind's eye. The white bull has already been mentioned, and although he is supposed to be in Crete, it is worthy of observation that to this day the cattle of the Italian Alps are mainly light fawn or cream-colour or pure white. Vergil knows well that they graze early in the day and in the noonday heat lie down wherever they can find shade and cold. Contrast with VIII, 14, already cited, II, 8-9,

nunc etiam pecudes umbras et frigora captant,  
nunc uirides etiam occultant spineta lacertos.

<sup>1</sup> These observations as to the pipe are actually taken from the Val Seia, a region which, though not close to Vergil's country, has preserved exceptionally well numerous old customs.

The mere fact that the cattle can find *frigora* anywhere in the torrid heat of noon shows that the author, as always, is thinking of fairly high pastures.

The numerous flocks of goats, seen climbing on rocks and cliffs, are another distinctive feature of a mountain region. We may quote I, 12,

en ipse capellas  
protinus aeger ago ; hanc etiam uix, Tityre, duco.  
hic inter densas corylos modo namque gemellos,  
spem gregis, a, silice in nuda conixa reliquit.

Here the goat has dropped her young on very rocky ground among bushes, and it is to such pasture, very frequently indeed, that the goats are driven, when it would be refused by both sheep and cattle, for the latter cannot make much of very rocky ground or of the bushes which grow upon it. The goat, on the contrary, frequently feeds on bushes, as Vergil knows well, and is an excellent climber ; the poet describes for us, as only an eye-witness could have done, the goatherd lying in a green cave and watching the animal as it were hanging from an abrupt cliff : I, 74-8,

ite meae, felix quondam pecus, ite capellae ;  
non ego uos posthac uiridi proiectus in antro  
dumosa pendere procul de rupe uidebo ;  
carmina nulla canam ; non me pascente, capellae,  
florentem cytisum et salices carpētis amaras.

He is completely accurate, for he could never have seen a cow hanging from the cliff in that manner, or a sheep either.

The chestnuts which the goatherd employs as his food (I, 81, *castaneae molles*) were from the chestnut woods which abound in the lower hills, and every detail in this scene gives the sentiment of the hills, the smoke arising from the scattered homesteads and the long shadows of the mountains at evening : *ibid.*, 82-83,

et iam summa procul uillarum culmina fumant,  
maioresque cadunt altis de montibus umbrae.

Goats and sheep are both included in the Third Eclogue, as well as the cattle, and the poet refers to the careful counting which is necessary twice a day : III, 34,

bisque die numerant ambo pecus, alter et haedos.

The goat is the most venturesome of all animals and roams much farther afield than the rest ; indeed in some parts of the

country there is a tradition that a goat spends at least one hour out of every twenty-four in hell, probably based on the fact that he disappears completely from time to time. So in the Seventh Eclogue it is the he-goat which is missing: VII, 7-9,

uir gregis ipse caper deerrauerat, atque ego Daphnim  
adspicio. ille ubi me contra uidet, Ocius, inquit,  
huc ades, o Meliboee; caper tibi saluus et haedi,  
et, si quid cessare potes, requiesce sub umbra.

In this Eclogue the four herds,—Daphnis, Meliboeeus, Corydon, Thyrsis,—drive their flocks into near neighbourhood, *ibid.*, 1-3,

Forte sub arguta consederat ilice Daphnis  
compulerantque greges Corydon et Thyrsis in unum,  
Thyrsis oues, Corydon distentas lacte capellas.

Such meetings are often seen to-day, when the herds drive their animals together for a time, sometimes themselves talking together in the shade or playing a kind of duet, and afterwards dividing the animals and roving on to other pastures.

One of the present authors remembers to have seen a cow-herd and a goatherd sheltering from the rain beneath a great rock, high up on Monte Rosa, and playing together on their rustic pipes while the animals pastured round them and an enormous rainbow spanned alike rocks and pine-trees, cows and goats, and the two pipe-playing herdsmen.

Vergil is so close an observer that he knows the sheep cannot be permitted to go as far as the goats, and must not be allowed too near the cliff or river-bank, as they are much less sure-footed: III, 94-5,

Parcite, oues, nimum procedere, non bene ripae  
creditur; ipse aries etiam nunc uellera siccatur.

So one of the present authors has repeatedly seen them; the sheep spread out over moderately good pasture on a fairly gentle slope and the goats climbing about on the cliffs themselves, among the high rocks and at an altitude where no shepherd would send the sheep, or else, as they appear to be in the Third Eclogue,<sup>1</sup> down in the steep river-valley amongst the broken rocks.

References to mountain features of one kind and another are continual in the Eclogues; there are the mountain echoes, the cliffs reflecting back the sound of music, the mountains wooded to the summits, as among the foot-hills of the Alps they often are: V, 62-3,

<sup>1</sup> *Ibid.*, 96; Tityre, pascentes a flumine reice capellas.

ipsi laetitia uoces ad sidera iactant  
 intonsi montes, ipsae iam carmina rupes,  
 ipsa sonant arbusta.

There is the long sibilant hiss of the south wind, the scirocco or Föhn, as it can still be heard, and there are the rivers rushing down headlong among rocky valleys and literally smiting the banks with their force and speed: V, 82-4,

nam neque me tantum uenientis sibilus Austri  
 nec percussa iuuant fluctu tam litora, nec quae  
 saxosas inter decurrunt flumina ualles.

There is the Bora, or North wind, which, coming down over the fields of snow, is still the icy wind of those regions and makes the fire as delightful to moderns as it did to Vergil: VII, 49-52,

Hic focus et taedae pingues, hic plurimus ignis  
 semper, et adsidua postes caligine nigri;  
 hic tantum Boreae curamus frigora quantum  
 aut numerum lupus aut torrentia flumina ripas.

There are no wolves to-day, but in every other detail the picture is true to our own time.

So it is also with the glades in the midst of the groves; they open out among the trees and, as the cattle love the open spaces for pasture, you can almost always find their tracks in rich grass; VI, 56-8,

nemorum iam claudite saltus,  
 si qua forte ferant oculis sese obuia nostris  
 errabunda bouis uestigia.

Then again there are the wayside shrines; an image of Priapus is put to watch over a garden and offerings are laid before him, VIII, 34-5,

sinum lactis et haec te liba, Priape, quotannis  
 exspectare sat est; custos es pauperis horti.

So we may still see images watching over villages or houses or gardens; they are Catholic images to-day, wayside crosses or shrines to various saints, but their function is no doubt the same, and one can still see the offerings laid before them, though the modern offerings are only flowers.

In the Georgics the evidences of mountain scenery are not numerous, but do certainly occur: I, 43,

Vere nouo, gelidus canis cum montibus umor  
 liquitur et Zephyro putris se glaeba resoluit.

Here we have snow-covered mountains with the snow melting

in spring and a very fair degree of hard frost in the ground itself, which implies high altitudes. The chilly and cold nights are mentioned here also, I, 284-8,

multa adeo gelida melius se nocte dedere,  
aut cum sole nouo terras inrorat Eous.

At times the snow lies deep and the rivers carry down ice ; the latter is most likely to be found where the rivers originate in glaciers or near by ; when we remember how rare the appearance of such water-borne ice is in English rivers, we can see that it must be rare indeed in the latitude of Italy <sup>1</sup> unless the rivers bearing it themselves originate at a high level : I, 310,

cum nix alta iacet, glaciem cum flumina trudunt.

The rush and fury of the streams suggests the same thing, as in the wonderful description of the damage done by heavy rains. Flood-waters do damage everywhere ; but the river fills the more rapidly and violently if its descent is steep : I, 325-6,

implentur fossae et caua flumina crescunt  
cum sonitu, feruetque fretis spirantibus aequor.

Another passage which seems to allude to fairly high regions is to be found in III, 315-7,

nec tibi tam prudens quisquam persuadeat auctor  
tellurem Borea rigidam spirante mouere ;  
rura gelu tum claudit hiemps.

Here the ground is made hard and rigid by the frost when the Bora or North wind blows.

Again, the intense cold of winter 'shaggy with frost' is mentioned as causing diseases in sheep : III, 441-3,

ubi frigidus imber  
altius ad uiuum persedit et horrida cano  
bruma gelu.

The last phrase, while it may mean that winter is 'shivering' or 'goose-fleshy' with cold, might also seem to suggest the rough or shaggy ice and frost with which the mountain rocks are covered at that season. A little later the Noric Alps are definitely mentioned as the deserted dwellings of shepherds, deserted because of the great cattle-plague : III, 474-7,

<sup>1</sup> Contrast the mention of snow as a portentous thing, Homer, *Il.*, X, 7 (paralleled with 'great rain unspeakable,' hail, and war) ; Horace, *Odes*, I, 2, 1 ; cf. Julian, *Misopogon*, 341 C (blocks of ice floating down the Seine ; he is at some trouble to make his Antiochene audience apprehend what they looked like : *παρέφερεν ὁ ποταμὸς ὥσπερ μαρμάρου πλάκας. ἵστε δῆπου τὸν Φρύγιον λίθον τὸν λευκόν· τοῦτ' ἐφάκει μάλιστα τὰ κρύσταλλα*).

tum sciat, aërias Alpes et Norica si quis  
castella in tumultis et Iapydis arua Timaui  
nunc quoque post tanto uideat desertaque regna  
pastorum et longe saltus lateque uacantis.

The Georgics, however, deal mainly with agriculture and are, as we should expect, concerned chiefly with the plain.

It is not difficult to reconstruct from Vergil's poems the life of his youth. His father's farm was in all probability at Calvisano, closely adjoining, almost among the foot-hills of the Alps. The cattle would be driven up to the hills for pasture, progressing higher and higher as the season advanced and the grass withered away on the lower slopes. The poet himself may well have been, at least now and then, one of his father's herdboys, and followed the animals into the higher pastures; he may have seen and probably did see with his own eyes all the life he described in his Eclogues. Much of it, the shepherds, cowherds and goatherds leading out their flocks in the morning, counting them when they change pasture at midday and counting them again when they bring them home at night, the herdsmen themselves piping alone or in concert, the animals following the sound of the pipe,—all this can still be seen in the remoter Alpine valleys.

Vergil as a nature-poet is neither imitative nor confused; on the contrary he is remembering, with a strict accuracy, what he himself had seen. His vines, his apple-orchards, his chestnuts, his beech-woods and pines, could all have been seen in the course of one day's march, if that march had been somewhat long. The peculiar union of vine and beech-wood and pine-grove is not an inaccuracy; it is only a combining of one zone with another, as the herdsmen does actually wander up and down. The poems are full of details which are, in every respect, true to the mountain region; the long shadows of the hills at evening, the cold nights, the abundance of early morning dew, the wild thyme, the crowds of grasshoppers and bees, the ground covered with wild strawberries, the marshes between the pine-woods and the open glades where the tracks of the cattle show plainly in the grass, the white mountain bull reclining on the flowers, the goats feeding on bushes and hanging from the cliff or wandering down in the river-bed, the abundance of fresh, cold, beautiful water which keeps its icy chill even in the torrid heat of the day and is never stagnant but always sweet, the caves in which the goatherd can shelter from the blazing sun, the abrupt and broken cliffs, the moss by

the fountains and the wonderful softness and freshness and emerald green of the grass, springing again after every shower : all these things are most truly, accurately and finely observed and presented in a series of pictures of an immortal beauty.

It is not surprising that Vergil should have loved this landscape. The region is one of the most beautiful in Europe ; associated with his home and his childhood, it must have been doubly sweet to him ; we know the poet to have been delicate in health and we can imagine how often, when suffering from the torrid heat of the mid-Italian plain or of Naples, he must have thought with longing of the cool fresh waters and ever-springing verdure of his early home.

NOTE.—*The Second Eclogue.* Professor Conway is so much nearer right than the majority of commentators that it seems ungracious to pick flaws in his remarks ; but we gravely doubt the assertion that all the even-numbered Eclogues are fanciful or foreign in their setting (some of course are, notably the Fourth and Tenth), and especially the interpretation of the Second as having its scene laid in Sicily.

Corydon, says Vergil (II, 4), used to sing *haec incondita*, ' these things-not-neatly-put-together.' Is that ' these rude strains ' ? It may be so, but we doubt it. Corydon is a skilful singer, renowned also for his piping (see 23, and still more 34-38) ; and although the poem is early, its technique is exquisite, and Vergil knew it, and was proud of his work (see V, 86, and compare VII, where the victorious singer is named Corydon ; the difficult last line

ex illo Corydon Corydon est tempore nobis

seems to mean that the very name was proverbial for a great musician). It seems then equally good Latin and much better sense to take it as meaning ' this medley.' For, like the serenader in Theokritos' third Idyll, Corydon does not sing one song, but many. The breaks are obvious enough to anyone reading the poem with attention. 6-13 is the Lover at Noonday, developed from Theokritos' noonday walk (*Idyll*, VII, 21-25) plus his Lover at Midnight (*Id.* II, 38-39). The scene may as well be the Italian foot-hills above the Mantuan territory as any place in Sicily. 14-18 is an appeal to Alexis' jealousy, an attempt to comfort himself by reflecting that he has other loves, and a warning to beauty not to be cruel,

Unkindly if true love bee vsed  
Twill yeeld thee little grace.

28-35 is the praises of the country ; 36-44, Corydon's gifts ; 45-55, those of Nature, and of Corydon also. Then come 56-59, the awakening (' *rusticus es, Corydon* '), continued 66-73, after the last passionate appeal of 60-65. What then of 19-27 ? As all the rest refers plainly to Corydon, so must this. But Corydon is not a giant, nor a rich freeman owning cattle ; nor is he at the seaside, or in Sicily. How then can he have a thousand ewe-lambs straying on the mountains of Sicily, and how can he be so tall as to use the sea for a mirror ? The answer is simple. He is identifying himself, in his love-lorn state, with the love-lorn Cyclops who

tried to soften the hard heart of Galatea. So many a modern lover has identified himself with Romeo, though neither noble nor a Veronese, or with Lovelace's Cavalier, although he never had his leg across a horse and has not the faintest intention of using a sword. In other words, 19-27 form the Cyclops-song, to which Vergil returns again and again.

Those who want a complete list of the passages in which Vergil imitates the two Cyclops-Idylls of Theokritos (the Sixth and Eleventh) may consult Hosius' edition of the Eclogues (in Lietzmann's *Kleine Texte*). We mention only a few of the most striking.

*Ec.* II, 19-27 = Theokr. VI, 34-38 + XI, 34-38.

„ „ 40-42, suggested by Theokr. XI, 40-41.

„ „ 45-52, „ „ „ „ XI, 42 + 45-46.

„ „ 69-73 = Theokr. XI, 72-76.

*Ec.* VIII, 37-8, suggested by Theokr. XI, 19-21. By way of indicating that his Corydon identifies himself with the amorous giant, Vergil writes, not *si qua tui Cyclopis*, but *si qua tui Corydonis habet te cura, uenito*. The rest is pure Cyclops.

*Ec.* VIII, 33-34, suggested by Theokr. XI, 30-33.

*Ec.* VIII, 37-41 = Theokr. XI, 25-29.

*Ec.* IX, 39-45 = Theokr. XI, 42-49.

Why was Vergil so haunted by these passages? We are inclined to think that the ancient commentators on Eclogue II are half right, and that he was Corydon, or Corydon-Cyclops, himself. Tall, dark, always shy and awkward, with nothing personally attractive about him save his lovely voice, and at the same time of an amorous temperament<sup>1</sup>; is it not likely that he, who wrote with such power and feeling of despised love, had himself been a despised lover? And is it not more than probable that, like the Sicilian giant, he would turn for relief to song?

οὕτω τοι Πολύφαμος ἐποίμαινεν τὸν ἔρωτα  
μουσίσδων, ὃῃον δὲ δι᾽ ἄγ' ἢ εἰ χρυσὸν ἔδωκεν.

L. WINSTANLEY.

H. J. ROSE.

<sup>1</sup> Corpore et statura fuit grandi, aquilo colore, facie rusticana . . . libidinis . . . pronioris . . . uulgatum est consuesse eum et cum Plotia Hieria (Donatus, *Vita Vergiliana*, 7-8). Pronuntiabat autem cum suauitate et lenociniis miris (*ibid.* 28).

## MORE GLEANINGS IN JAMES HOWELL'S LETTERS <sup>1</sup>

'The Vote,' ll. 231, 232, p. 12 (1642, p. 11), <sup>2</sup>

*Late may his life, his Glory ne're weare out,  
Till the great yeare of Plato wheele about.*

In his reference to James Adam's treatise on the Nuptial Number of Plato, Jacobs misnames the author and gives a wrong title to the work. The cycle which Adam arrives at is 36,000. Muddle the carpenter, alias "Philosopher Chips," in Marryat's 'Peter Simple,' believed that every event repeated itself after a period of 27,692 years. "I could never make him explain," says Peter, "upon what data his calculations were founded: he said, that if he explained it, I was too young to comprehend it." <sup>3</sup>

Book I., Sect. 1, x., p. 34 (1645, p. 18), I am now newly com to The *Hague*, the Court of the six (and almost seven) *confederated* Provinces.

What Howell means by "almost seven" is seen by his 'Survey of the Seventeen Provinces,' in I., Sect. 2, xv., where he writes, "I will now steer my discours to the united *Provinces* as they term themselves, which are six in number, *viz. Holland, Zeland, Frisland, Overysse, Gronnighen* and *Vtrecht*, three parts of *Gilderland*, and some Frontyre Towns and places of contribution in *Brabant* and *Flanders*."

Book I., Sect. 1, xii., p. 38 (1645, p. 22), The tumults in *Bohemia* grow hotter and hotter, they write how the great Councell at *Prague* fell to such a hurliburly, that som of those Senators who adherd to the Emperour, were thrown out at the Windows, wher som were maim'd, som broak their Necks.

For the famous *Fenstersturz* of May 23, 1618, see Anton Gindely's 'Geschichte des dreissigjährigen Krieges,' Part I., vol. i., chap. 5, section 3.

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<sup>1</sup> See Vols. III., IV., V., VI., and VIII. of *Aberystwyth Studies*.

<sup>2</sup> The reference given before each extract is to Joseph Jacobs's edition of the Letters, 1890-2, followed in brackets by the paging of the volume or section of the earliest edition in which the letter appeared. The text and spelling are those of the earliest editions.

<sup>3</sup> For the later and revised statement of Adam's argument see his edition of the 'Republic' (1902), vol. ii., pp. 264-318.

The three victims, Martinitz, Slawata, and the secretary Fabricius, had the good fortune to escape with their lives, though Slawata was injured by striking a projection in his fall. It is curious that Howell should have published this highly incorrect account of the incident more than a quarter of a century afterwards.

Book I., Sect. 1, xxiii., p. 58 (1645, p. 44), I might spie som Trees laden with dead Carcases, a better Fruit far then *Diogenes* Tree bore, wheron a Woman had hang'd her self, which the *Cynic* cryed out to be the best bearing Tree that ever he saw.

We get this again in I., 6, lx., "And a wilder speech it was of the *Cynic*, when passing by a Tree where a Maid had made herself away, wish'd, *That all Trees might bear such fruit.*" It comes from Diogenes Laertius, vi. 2, 52, Ἰδὼν ποτε γυναῖκας ἀπ' ἐλαίας ἀπηγγονισμένας, εἶθε, ἔφη, πάντα τὰ δένδρα τοιοῦτον καρπὸν ἔργευσεν. Cicero, 'De Oratore,' ii., 69, 278, tells of a Syracusan begging for a slip of the tree on which a neighbour's wife had hanged herself, and Quintilian, vi., 3, 88, has taken the story from him.

Book I., Sect. 1, xxxi., p. 70 (1645, p. 58), She hath . . . with her Gallies often preserv'd Saint *Peters* Bark from sinking; for which, by way of reward, one of his Successors espous'd her to the Sea.

The successor was Alexander III. The origin and history of the famous ceremony are traced in Horatio F. Brown's 'Venice' (1893). It commemorated originally the conquest, 1000 A.D., by the doge Orseolo (Pietro Orseolo II.) of the Dalmatian pirates: "The form this commemoration took was that of a solemn procession from Venice out into the open sea. . . . The ceremony was one of supplication and placation; the formula in earliest use consisted in the prayer, 'Grant, O Lord, that for us, and for all who sail thereon, the sea may be calm and quiet. . . .' After which the Doge and his suite were aspersed, and the rest of the water was poured into the sea, while the priests chanted the words, 'Purge me with hyssop, and I shall be clean.'" (Op. cit., p. 69.)

Pope Alexander III. in 1177 as a reward for the help given by Venice in resisting the Emperor Frederick I. gave the doge a ring and ordered him to cast a similar ring into the sea each year on Ascension Day, and so wed the sea (see the 'Encyclopædia Britannica' under *Bucentaur*). "A sacramental complexion was given to the ancient ceremony of Ascension Day. Instead of a placatory or expiatory function it became nuptial. Henceforth the Doge every year dropped a consecrated ring into the sea, and with the words *Desponsamus te, mare*, declared that Venice and the sea were indissolubly one." (Brown, p. 110.)

There is a lack of harmony among modern literary descriptions of this union.

In Butler, 'Hudibras,' II., ii., 743,

Like Dukes of *Venice*, who are sed  
The *Adriatique Sea* to wed,  
And have a gentler Wife, than those  
For whom the *State* decrees those *Shows*.

In Byron, 'Childe Harold,' IV., xi.,

The spouseless Adriatic mourns her lord.

But Wordsworth makes Venice the bride :

And when she took unto herself a mate

She must espouse the everlasting Sea.

'Sonnet on the Extinction of the Venetian Republic.'

Book I., Sect. 1, xxxviii., p. 82 (1645, pp. 70, 71), With *Trasteren*, and the Suburbs of Saint *Peter* she hath yet in compass about fourteen miles, which is far short of that vast circuit she had in *Claudius* his time ; for *Vopiscus* writes she was then of fifty miles circumference.

See, in the Augustan History, the life of Aurelian attributed to *Vopiscus*, 39, 2, "Muros urbis Romae sic ampliavit ut quinquaginta prope milia murorum eius ambitus teneant." Fifty miles about is so lavish an estimate that it has been proposed to amend the text. That *Claudius*'s reign is assigned as the date can be explained by the latter emperor (*Claudius II.*)'s Life immediately preceding that of Aurelian in the 'Historia Augusta.'

By *Trasteren* is meant the quarter of Trastevere.

Book I., Sect. 1, xxxviii., p. 84 (1645, p. 73), the *Obelisk*.

The mention of merely one obelisk among the antiquities of Rome is curious. There were several standing at the time of Howell's visit. That in front of St. Peter's, that in the Piazza Navona, and that by the Lateran Church might all have been expected to attract his attention.

Book I., Sect. 1, xxxviii., p. 84 (1645, p. 73), For the genius of the *Roman* hath bin alwayes much taken with Imagery, Limming, and Sculptures, insomuch, that as in former times, so now, I beleve the Statues and Pictures in *Rome*, exceed the number of living people.

Compare Gibbon, 'Decline and Fall,' chap. xvii., "That inanimate people, which, according to the extravagant computation of an old writer, was scarcely inferior in number to the living inhabitants of Rome."

The "old writer" is not identified in Bury's notes. He is *Cassiodorus*, who wrote, *Variae*, VII., xv., 3, "Has [statuas] primum Tusci in Italia invenisse referuntur, quas amplexa posteritas paene parem populum urbi dedit quam natura procreavit." The context shews that it is bronze statues especially of which the writer is thinking.

Book I., Sect. 1, xlii., p. 93 (1645, p. 83), The Duke of *Feria* is now Governour, and being brought to kisse his hands, he us'd me with extraordinary respect, as he doth all of our Nation, being by the maternall side a *Dormer*.

See 'Miscellanea Genealogica et Heraldica,' New Series, vol. iv. (1884), p. 99. According to the pedigree there given, Sir William Dormer, K.B., married Mary, daughter of Sir William Sydney, and their daughter Jane (said in Burke's Peerage to have been maid of honour to Queen Mary)

married Don Gomez Suarez, first Duke of Feria. Don Lorenzo, Duke of Feria, was their son, and his son was Don Gomez, Duke of Feria.

See also the life of Jane Dormer in the D.N.B., and, for her husband, Froude's 'History of England,' chapter XXXVI.

Book I., Sect. 1, xliv., p. 97 (1645, p. 87), To Mr. *Tho. Bowyer*, from *Lions*.

There is no proof that this Thomas Bowyer is the same as the man whose funeral sermon is incidentally mentioned in the passage of Wood's *Athenae* referred to by Jacobs, and he assuredly is not the Bowyer ("Mr.", not "Dr.") of the 'Fairfax Correspondence,' ii., 37, who "for charging Laud with Popish tendencies, was fined £3,000, branded on the forehead, and had his ears nailed to the pillory." He (Gardiner, 'Hist. of England,' vii., 302) was "One Ludowick Bowyer, a young man of good family, who may have been mad, and was certainly a thief and a swindler."

Book I., Sect. 2, vii., p. 105 (1645, p. 8), Nor doe I heare of any legacie she [Queen Anne] left at all to her daughter in *Germany*, for that match some say lessened something of her affection towards her ever since, so that she would often call her goody *Palsegrave*.

The Lloyd who, as Jacobs notes, is stated in D'Ewes's Autobiography, i., 189, to have been censured for saying "What has become of your goodman Palsgrave?" was Edward Floyd, Floud, or Lloyd, a Roman Catholic barrister. See the D.N.B.

Book I., Sect. 2, viii., p. 107 (1645, p. 9), Here you have . . . your *Muscadell Grapes* in such plentie that there are some bottles of wine sent every year to the King; And one Mr. *Daniel* a worthy Gentleman hard by, who hath bin long abroad, makes good store in his Vintage.

Jacobs does not attempt to identify Mr. Daniel. But see Augustine Page's 'Supplement to the Suffolk Traveller' (1844), p. 914, and 'The Manors of Suffolk. Notes on their History and Devolution,' by W. A. Copinger, vol. I., 'The Hundreds of Babergh and Blackbourn,' 1905, under 'Acton.' In this parish, a few miles distant from Long Melford, the manors of Clerbeck and Rokewodes were at the date of Howell's letter in the possession of the Daniel family. On the death of John Daniel in 1596 both manors had devolved to his brother Francis, who married Margaret, daughter of Roger Martyn of Long Melford, and left a son John Daniel who inherited the property and died in 1638. The "worthy Gentleman" of Howell's letter, dated 20 March 1621 from Lord Savage's House in Long Melford, was either Francis or John Daniel. A closer search might decide between them. Their residence was Acton Place, which stood on the site of the old mansion of the Clerbecks. The Daniels's estate was ultimately bought by Robert Jennens, aide-de-camp to the great Duke of Marlborough.

Book I., Sect. 2, xv., p. 115 (1645, p. 19), *A survey of the seventeen Provinces.*

In a note on the long letter, or rather discourse, with the above title, which Howell addresses to Lord Colchester, Jacobs asserts that "Evelyn or Feltham's satiric Character of the Low Countries, 1660 . . . has been erroneously attributed to Howell." The work to which Jacobs refers was not by Evelyn but by Owen Feltham, 'A Brief Character of the Low Countries under the States: being three weeks observation of the vices and virtues of the inhabitants.' Pirated editions appeared in 1648 and 1652. The authorised edition was published anonymously in 1652, and under Feltham's name in 1662, and in the 8th edition of his 'Resolves.'

Book I., Sect. 2, xvii., p. 130 (1645, p. 34), Here is news that Mansfelt hath receiv'd a foyl lately in *Germany*, and that the Duke of *Brunswick*, alias Bishop of *Halverstadt* hath lost one of his arms.

Christian of Brunswick, Bishop of Halberstadt, lost his left arm by a wound at the battle of Fleurus, 29 August (N.S.), 1622, when Count Mansfeld and he defeated the Spanish force under Gonsalvo de Cordova. Christian replaced his missing arm with one of silver. The amputation was performed in the sight of his army, to the sound of drums and trumpets.

Book I., Sect. 3, iv., p. 149 (1645, pp. 54, 55), The Jesuits have put out a geering libell against it, and these two verses I remember in't,

*Dordrecti Synodus? nodus; chorus integer? æger;  
Conventus? ventus; Sessio stramen, Amen.*

But I wil confront this Distich with another I read in *France* of the Jesuits in the Town of *Dole*, towards *Lorain*; they had a great house given them calld *L'arc* (*arcum*) and upon the river of *Loir*, *Henry* the fourth gave them *la fleche*, *sagittam* in latin, where they have two stately Convents, that is, Bow and Arrow; whereupon one made these verses:

*Arcum Dola dedit, dedit illis alma sagittam*

*Francia; quis chordam, quam meruere, dabit?*

Faire *France* the Arrow, *Dole* gave them the Bow,

Who shall the *String* which they deserve bestow?

Fuller produces a somewhat different version. As an illustration of the amazing vicissitudes which overtake anecdotes and epigrams, it may be mentioned that not long ago a contributor to *Notes and Queries* gave a version of the *Arcum Nola dedit* distich, ending with *dabo*, and asserted that the author was one of his father's school-fellows at the Jesuit College, who had the name of Dabo.

Book I., Sect. 3, xiii., p. 162 (1645, p. 68), *Don Rodrigo Calderon*, a great man (who was lately beheaded here for poisoning the late Queen dowager).

Jacobs has no note on the great man. He was a son of Francisco Calderon by a German or Flemish woman at Antwerp of the name of Maria Sandelin. Taken into the service of the Duke of Lerma he was speedily advanced, becoming Secretary of State, Count of Oliva, Marquis Siete Iglesias, and Captain of the King's German bodyguard. He was accused of having poisoned various people and of deceiving the King. After Philip III.'s death he was beheaded in October, 1621.

Book I., Sect. 3, xxvii., p. 187 (1645, p. 95), But when vve vvere thus at the height of our hopes, a day or tvvo before there came Mr. *Killigree, Gresley, Wood* and *Davies*, one upon the neck of another with a new Cõmission to my Lord *Bristoll* immediatly from his Majesty, countermanding him to deliver the *Proxy* aforesaid, untill a full and absolut satisfaction were had for the surrendry of the Palatinat. . . .

For Walsingham Gresley, c. 1585-1633, 8th and youngest child of Sir Thomas Gresley (1552-1610) by his 2nd wife, Katherine daughter of Sir Thomas Walsingham of Beadhay, Kent, and Scadbury in Staffordshire, see Mr. Falconer Madan's 'The Gresleys of Drakelow' (1898).

Book I., Sect. 4, vi., p. 216 (1645, p. 6),  
To *D. C.*

The Bearer hereof hath no other arrand, but to know how you do, and this Paper is his credentiall Letter ; therefore I pray dispatch him back, and write to us accordingly

Your true Frend *J. H.*

This slender note was expanded a little in the next edition (1650), the words "in the Countrey" being inserted after "how you do," while from "Therefore I pray" the remainder reads thus: "hasten his dispatch, and if you please send him back like the man in the Moon, with a basket of your fruit on his back." A date is added: "London this Aug. 10, 1624."

Book I., Sect. 4, ix., p. 220 (1645, p. 10), If you are bent to wed, I wish you anothergetts Wife then *Socrates* had.

For "anothergets," the transitional form between "anothergates" and "anotherguess," no literary example is given by the N.E.D., but only a reference to a glossary of North-country words.

Book I., Sect. 4, xvii., p. 231 (1645, p. 23), The sinking of the long *Robin* with 170 souls in her, in the Bay of *Biscay*, ere she had gon half the voyage was no good augury.

See 'The Voyage to Cadiz in 1625. Being a Journal written by John Glanville secretary to the Lord Admiral of the Fleet' (Camden Soc., 1883).

On p. 126 of this, in the list of the Vice-Admiral's Squadron, is the Robert, Capt. Gurling, 244 Tonnes, Seamen 37, Landmen 138.

On pp. 26, 27, is a notice of a "Councell of Warr holden aboard the Anne Royall, Tuesday, 18 Octob. 1625." Among "the defectes and losses that had happened in the late storme," it was ordered to be recorded "that the Long Robert, a Marchante's shipp of the ffleete, of the burthen of 240 and odd tunnes, wherein were 37 Sea men, 138 land men, was drowned in the storme neare to his Ma<sup>tie</sup>'s shipp the Convertive, whoe sent out her long boate to have saved some of the Men belonging to the Robert. However the long boate not onlie fayled to save the other Men but perished herselfe in the service."

See also 'State Papers,' Domestic Series, Nov. 2, 1625, Sir Thos. Love to Nicholas, reporting that in the storm of the 12th Oct. they lost the Long Robert, with 175 men, 1 ketch and all their long boats.

Also S.P., Domestic Series, 1626 [August ?], Petition of owners and masters of ships belonging to Ipswich to the Council: "24 ships of Ipswich were taken up for the expedition to Cadiz, on each of which their owners expended from 80*l.* to 100*l.* of which they cannot yet receive any part; many servants of the petitioners, who were pressed into the service, served for 13 months, and received only 9*s.* 4*d.* per month; the Long Robert, one of the 24 ships, was lost with all hands, to the utter undoing of many poor mariners' wives and loss to the owners of 1,200*l.*, for which they have not received any recompense."

Book I., Sect. 6, i., p. 293 (1645, p. 1), To P. W. Esq; at the Signet Office, from the *English House in Hamburgh*.

If by P. W. is meant Philip, afterwards Sir Philip, Warwick, it should be noted that he was not appointed a Clerk of the Signet until November 13, 1638, while the present letter is dated 1632.

Book I., Sect. 6, ii., p. 294 (1645, p. 2), He was brought thither from *Glukstad* in indifferent good equippage, both for Coaches and Waggons.

By blind adherence to the 1737 edition in printing "different" instead of "indifferent" Jacobs destroys the sense of this passage. The corruption is an obvious example of haplography, and might have been confidently corrected by an alert editor without knowledge of the original reading.

Book I., Sect. 6, iii., p. 297 (1645, p. 5), So that I do not find they ever had any Protector, but the great Master of *Prussia*.

By the "great Master of Prussia" Howell appears to mean the Hochmeister of the *Deutscher Orden* (Teutonic Knights).

Book I., Sect. 6, v., p. 304 (1645, p. 14), Then we came to *Stode*, wher *Lesley* was Governour, who carried his foot in a Scarf

for a wound he had receiv'd at *Buckstoho*, and he kept that place for the King of *Sweden*.

Stode is the anglicized form of Stade. Lesley is Alexander Leslie, first Earl of Leven (1580?–1661). By *Buckstoho*, printed in a later edition as *Buckstobo*, is meant Boxtelude.

Book I., Sect. 6, vii., p. 306 (1645, p. 16),

*Permulsit initium, percussit finis.*

I cannot indicate any source for this. The expression would certainly gain in point if the second verb were *perculsit*. There is authority in late Latin for *perculsi* instead of the classical *perculi*, as the perfect of *percellere*, and *percellere* is a more emphatic word than *percutere*.

Book I., Sect. 6, xxxi., p. 333 (1645, p. 46),

—Sic vaticinatur *Hoellus*.

For the literary "artist's signature" compare "*Sic singultivit* J. H.," iv., xlix., and as a mediaeval example the "*Quop Hendyng*" at the end of successive stanzas of Hendyng's proverbs, pp. 285–300, '*Altenglische Dichtungen des MS. Harl. 2253*,' edited by K. Bøddeker, Berlin, 1878; and, for a modern instance, "*Sic cogitabat* yours ever E. F. G.," in a letter to W. F. Pollock dated June 24, 1842, in '*More Letters of Edward FitzGerald*.'

Bøddeker compares the Hendyng proverbs with some in French where at the end of each stanza is "*ceo dist le vilain*" or "*ce dit le vilain*."

Gwilym Pue subscribes his '*Opinio de Vaticiniis seu Predictionibus Britannicis*' with '*sic arbitratur Gulielmus Pue*,' Autograph MS. of his '*Opera et Miscellanea (sic)*,' 1676, p. 502, MS. 4710B. in the National Library of Wales.

Book I., Sect. 6, xxxiii., p. 337 (1645, p. 51), The greatest news we have hear is, that we have a new Lord Tresurer, and 'tis news indeed in these times, though 'twas no news you know in the times of old to have a Bishop Lord Tresurer of *England*. I beleeve he was meerly *passive* in this busines; the *active* instrument that put the white Staff in his hands, was the Metropolitan at *Lambeth*.

For "new" in the first sentence "Bishop" is substituted in later editions.

Book I., Sect. 6, xxxvii., p. 342 (1645, p. 57), Your most learned Work, *De primordiis Ecclesiarum Britannicarum* you pleas'd to send me, I have sent to *England*, and so it shall be sent to *Jesus-Colledg* in *Oxford*, as a gift from your Grace.

In reply to my inquiries Mr. H. J. George, Fellow and Librarian of Jesus College, has very kindly furnished the following information: "The

same gift of Archbishop Usher's book is mentioned by Dr. Hardy in his history of Jesus College. There is however no copy of 'De primordiis Ecclesiarum Britannicarum' in the college library though several other of Usher's books are in the library. There is some evidence that Usher resided in Jesus College during one year. I have carefully been through the college records and, though there is a fairly complete record of benefactors to the library, there is no record of any gift by James Howell.

The copies of James Howell's books in the library bear no record of having been given by the author."

Book I., Sect. 6, xlviii., p. 357 (1645, p. 70), And let the *English* people flatter themselves as long as they will, that they are free, yet are they in effect, but prisoners, as all other Islanders are :

See Robert Burton, 'The Anatomy of Melancholy,' Partition 2, section 3, member 4, 5th edition, 1638, p. 334, "What I have said of servitude, I say againe of imprisonment, We are all prisoners. What is our life but a prison ? We are all imprisoned in an Iland."

Dr. Johnson writing to Mrs. Thrale (Sept. 24, 1773) says "I am still in Skie. Do you remember the song ?

Ev'ry island is a prison,  
Strongly guarded by the sea."

G. Birkbeck Hill in his edition of 'Johnson's Letters,' vol. i., no. 327, mentions that the song is one by Coffey [Charles Coffey, died 1745, see the D.N.B.] beginning

Welcome, welcome, brother debtor,  
To this poor but merry place,  
Where no bailiff, dun, nor setter,  
Dares to show his frightful face !

Hill refers to this letter of Howell and suggests that Coffey may have read the passage in Burton. For the text of the song he refers to Ritson's 'English Songs' (1813), ii., 122.

The lines which Johnson remembered (not quite exactly) are in the latter half of Stanza III.,

Every island's but a prison,  
Strongly guarded by the sea,  
Kings and Princes for that reason,  
Prisoners are as well as we.

Book II., i., p. 376 (1647, p. 4), I never saw such a disparity between two that were made one flesh ; Hee, handsome outwardly, but of odd conditions ; Shee excellently qualified, but hard favoured ; so that the one may be compar'd to a cloth of tissue doublet, cut upon coorse canvas ; the other to a buckram Petticoat lin'd with Sattin.

"A cloth of tissue doublet, cut upon coorse canvas" is illustrated by a passage in Butler's 'Hudibras,' I., i., 91-98,

His ordinary Rate of Speech  
In loftiness of sound was rich,

A *Babylonish* dialect,  
Which learned Pedants much affect.  
It was a parti-colour'd dress  
Of patch'd and pyball'd Languages :  
'Twas English cut on Greek and Latin,  
Like Fustian heretofore on Sattin.

On the last line Zachary Grey observes "A fashion, from the manner of expression, probably not then in use, where the coarse fustian was pinked, or cut into holes, that the fine satin might appear through it : See an account of the slashing, pinking, and cutting of doublets, Dr. Bulwer's 'Artificial Changeling,' 1654, p. 537. The author of a book entitled 'A short Character of France,' 1659, p. 34, compares their finest pieces of architecture to satin pinked upon canvas."

Book II., iii., p. 377 (1647, pp. 6 and 7), In my last I writ to you that *Ch. Mor.* was dead, (I meant in a morall sense) . . . you know *Kit* hath a Poetic fancy.

Jacobs has the following notes :

1. "*C. Mor.* Obviously from what follows a Christopher Mor, but neither Lowndes nor Allibone know of such an English author."

2. "*Kit*, short for Christopher. Surely H. is not referring to Kit Marlowe, died 1593."

To 1. may be replied that from the full stop which Howell places after "*Mor*" it is obvious that we have not a complete name but an abbreviation concealing, say, Morgan or Morris. Whoever is meant, we need not assume that he must have published verse to be called a poet. His songs, or whatever he wrote, may well have been passed from hand to hand in MS.

2. Why should anyone dream that he refers to Marlowe ?

Book II., iv., p. 379 (1647, p. 10), They must needs be strong when *one hair of a woman can draw more than a hundred paire of oxen.*

On 'one hair of a woman' Jacobs has this note : "Possibly the source, certainly a parallel, of Pope's 'And woman draws us with a single hair.' *Rape of Lock*, ii. 28." In the first place Pope did not write this. He wrote "And beauty draws us. . . ." In the second his line is far closer to Dryden's *Persius*, v. 247, given in Elwin's note :

She knows her man, and when you rant and swear,  
Can draw you to her with a single hair.

Book II., xi., p. 398 (1647, p. 41), His Schollar *Aristotle* commended himself at his death to the *Being of beings.*

In one version of the legend he invokes the *Ens entium*, in another the *Causa causarum*. I have seen the 'De Pomo' referred to as a source, but have not found this prayer in that work, a Latin translation from a Hebrew version of an Arabic original which describes an imaginary conversation between Aristotle on his deathbed and his disciples. Aristotle keeps himself alive by smelling an apple which he holds in his hand. But in a 15th century edition (Brit. Mus. I.A. 49867) of the 'Liber de vita et

morte Arestotelis omnium philosophorum principis,' a poem in rhyming hexameters, the following occurs as part of the accompanying commentary : " Concludo ergo finaliter et cum veritate dico, quod Arestoteles per dei misericordiam quam ex intimo cordis affectu imploravit dicens O ens entium miserere mei sua sancta ac preciosa morte potitus, translatus est ad eterne beatitudinis solium."

Book II., xiii., p. 403 (1647, p. 49), T. *Ca.* busd me in the eare, that though *Ben* had barreld up a great deale of knowledge, yet it seemes he had not read the *Ethiques*, which among other precepts of morality forbid self commendation, declaring it to be an ill favoured solecism in good manners.

Was Robert Browning familiarly acquainted with this letter ? There are what might possibly be reminiscences of it, in l. 1 of ' Confessions ' in ' Dramatis Personae,'

What is he buzzing in my ears ?  
and in the last words of ' At the Mermaid ' in ' Pacchiarotto,' etc.,  
" (Manners, Ben)."

II., xviii., p. 410 (1647, p. 60), I do not see how she could support a war long to any purpose if *Castile* were quiet, unles souldiers would be contented to take *cloves and pepper-corns, for Patacoons and Pistolls.*

For the history and etymology of *Patacoons* see the N.E.D., where it is defined as a Portuguese and Spanish silver coin worth in the 17th century about 4s. 8d. The *Pistole* was a Spanish gold coin worth at this time from 16s. 6d. to 18s. The Dict. observes that this latter coin was not known by any corresponding name in Spain or Italy. *Patacoons* occur again in IV., xlvii.

Book II., xx., p. 412 (1647, p. 63), The cramp, as I take it, is a *sudden convulsion of the nerves.*

This is curiously suggestive of Falstaff's remark, ' King Henry IV.,' Second Part, Act I., scene ii. 126, " This apoplexy is, as I take it, a kind of lethargy, an't please your lordship ; a kind of sleeping in the blood, a whoreson tingling."

Book II., xxi., p. 413 (1647, p. 65), I thanke you heartily for your last letter, in regard I found it smeld of the lamp, I pray let your next doe so, and the oyle and labour shall not be lost which you expend upon,

*Your assured loving Uncle,*  
J. H.

For the source of the proverbial " smelling of the lamp," see Plutarch's Life of Demosthenes, chap. 8, *ἐλλυχνίαν ὀζειν*. This criticism of Demosthenes' oratory is attributed by Plutarch to Pytheas. This was pointed out by J. E. B. Mayor in *Notes and Queries*, First Series, i. 371.

Book II., xxii., p. 414 (1647, p. 66),

*Could I but catch those beamy rayes, &c.*

These "numbers" of Howell's in which the first four stanzas begin with "Could I . . ." remind us, *longo intervallo*, of Carew's "Ask me no more." For the final couplet, instead of

*And 'cause ungirt unblessed we find,  
One of the zones her waist should bind,*

the 1647 edition has the preposterous couplet

*And cause I'de have her small i' the wast  
The Zodiac there should gird her fast.*

II., xxix., p. 421 (1647, p. 85), Hereupon my thoughts ran upon *Grunnius sophista's* last Testament, who having nothing else to dispose of but his body, he bequeathed all the parts thereof in Legacies, as his skin to the Tanners, his bones to the dice makers, his guts to the musitians, his fingers to the scriveners, his tongue to his fellow sophisters (which were the Lawyers of those times) and so forth.

The Testamentum of Grunnius Sophista Corocotta is given on page xviii of the 'Spuria ac Supposititia' in Gruter's 'Inscriptiones' (1616), and in Barnabas Brissonius, 'De Formulæ' (1583), lib. vii., pp. 756, 757.

Book II., xli., p. 433 (1647, p. 104), *To my B. the L. B. of B. in France.*

According to the usually received account Thomas Howell after taking refuge with the King at Oxford was consecrated Bishop of Bristol by Usher in August 1644, was present in Bristol during the siege and suffered ill-treatment after the surrender of the city on September 10, 1645. But the present letter is dated by his brother 2 May, 1645. Are we to suppose that James Howell was at this time ignorant of his brother's movements, or that the date was carelessly affixed before publication, or that the letter itself is a mere concoction? But, in any case, what evidence is there of Bishop having taken refuge in France?

Book II., lix., p. 474 (1647, p. 178), The *Provencall*, the *Gascon* or speech of *Languedoc*, which *Scaliger* would etymologize from *Languedo'uy* [sic], whereas it comes rather from *Langue de Got* for the *Saracens* & *Goths* who by their incursions and long stay in *Aquitain* corrupted the language of that part of *Gallia*.

Passing over the wild derivation from "Langue de Got" we may notice that Howell is under a delusion when he asserts that Scaliger "etymologized" *Languedoc* from *Langued'ouy*. The blunder was evidently caused by a piece of careless printing or editing in J. J. Scaliger's 'Diatriba de hodiernis Francorum linguis,' as it appeared in his 'Opuscula Varia antehac non edita,' Paris, 1610, with a long preface by Casaubon addressed to J. A. de Thou. On p. 123 of the book we find this:

Romanensis igitur idiotismus Galliae in duo summa fastigia diducitur, in Francicum, et Tectosagicum, siue Prouinciale. Francicus Idiotismus vulgo dicitur *Langue d'Oui* aliter autem *Langue-doc*, hoc est, linguae quae pro NÆ, aut ITA dicunt OVI, aut OC.

And this is reproduced in the enlarged Frankfort edition of Scaliger's *Opuscula*, in 1612. Only a careless or very ignorant reader could fail to see that the sense must be restored by placing a stop after *Langue d'Oui* and striking out the *i* of aliter.

Evidently there was not much care bestowed here on the editing of Scaliger's 'Opuscula.' The 'Diatriba de hodiernis Francorum linguis' contains the information which Scaliger had supplied to Paul Merula for his 'Cosmographia Generalis,' which was published in 1605. This particular passage is in Pars II., lib. iii. cap. xv., ". . . Francicus *Idiotismus* vulgo dicitur *Langue d'Oui*; alter *Langue d'Oc*. . . ."

Book II., lx., p. 475 (1647, p. 180), The mother tongues of *Europe* are thirteen, though *Scaliger* would have but eleven.

See J. J. Scaliger's 'Diatriba de Europaeorum Linguis' in his 'Opuscula varia antehac non edita,' Paris, 1610, p. 119, "Sunto igitur nobis Matrices eae, quae per omnia inter se discrepant, cuiusmodi XI, non amplius hodie supersunt in vniversa Europa."

II., lxvi., p. 491 (1647, p. 216), Your Father tells me that he finds you are so wedded to the *Italian* and *French* that you utterly neglect the *Latine* tongue; That's not well, though you have learnt to play at *Baggammon*, you must not forget *Irish*, which is a more serious and solid game.

*Irish* is defined in the N.E.D. (s.v. 'Irish,' B.3) as "An old game resembling backgammon" and said to be fully described in Cotton's 'Compleat Gamester' (1680), 109.

Book II., lxxiii., stanza 4, p. 501 (1647, p. 231),

*One past makes up the prince and peasan,*  
*Though one eat rootes, the other feasan,*  
*They nothing differ in the stuff,*  
*But both extinguish like a snuff.*

The pheasant figures similarly in the contrast between the diet of rich and poor in Burton's 'Anatomy of Melancholy,' Partition 2, section 3, member 3, p. 326 in 6th edition, 1651-2, "There is a difference (he grumbles) between Laplolly and Pheasants, to tumble i' th' straw and lye in a down-bed, betwixt wine and water, a cottage and a palace." For 'past' in line 1 compare Matthew Arnold's expression "The German paste in our composition."

Book II., lxxvi., p. 507 (1647, pp. 241-242), If the *Cedar* be so weather beaten, we poore *shrubs* must not murmur to beare part of the storm.

Compare 'The Vote,' ll. 40-42,

Thou fond fool-hardy *Muse*, thou silly thing,  
Which 'mongst the shrubs and reeds do'st use to sing,  
Dar'st thou perk up, and the tall *Cedar* clime ?

The cedar of the simile is taken from the Old Testament. Compare the contrast between cedar and thistle in King Joash's parable, II. Kings xiv. 9 ; II. Chron. xxv. 18, and Solomon who "spake of trees, from the cedar tree that is in Lebanon even unto the hyssop that springeth out of the wall." In Joseph Hall's 'Defiance to Envy,' stanza i., at the beginning of his 'Virgidemiae,' the "prouder Pines of Ida" that fear "the sudden fires of heauen" are opposed to the "safer shrubs below."

Cf. St. Augustine, 'Confessiones,' ix., 4, 7, "Magis . . . gymnasi-  
orum cedros . . . quam salubres herbas ecclesiasticas."

Book III., ii., p. 514 (1650, p. 4 of vol. 3), For news, the world is heer turn'd upside down, and it hath bin long a going so, you know a good while since we have had leather Caps, and Bever shoos, but now the Arms are com to be leggs, for Bishops Laun-sleeves are worn for Boot-hose tops ;

Jacobs reproduces the absurd "Boot-house tops" of the 1737 edition.

Book III., vi., p. 520 (1650, p. 10), May such benedictions attend you both, as the Epithalamiums of *Stella* in *Statius*, and *Julia* in *Catullus* speak of.

A reader unacquainted with *Statius* or *Martial* might be tempted at first to think that *Stella* was the bride's name. *Stella* was the bridegroom, the bride was *Violantilla* (*Statius*, 'Silvae,' I., ii.). The pair in *Catullus* lxi. are probably *Manlius* and *Vinia*, though the latter name has been given as *Julia* or *Junia*, and *Manlius* or *Mallius*. It has been suggested before now that *Swift* chose the name *Stella* for *Esther Johnson* to indicate their ambiguous relations.

Book III., vii., p. 521 (1650, p. 11), I send you a parcell of Indian perfume, which the Spaniard calls the *Holy herb* . . . but we call it *Tobacco* ; I will not say it grew under the King of Spains window, but I am told it was gather'd neer his Gold mines of *Potosi*.

"Under the King of Spains window" will puzzle those who do not know the saying "This *Tobacco* grew under the King of *Spains* window, and the Queen — upon it," which is included by *Howell* among the English Proverbs (p. 21, col. 2) in the *Παροιμιολογία* (1659) appended to his 'Lexicon Tetraglotton' (1660).

III., ix., p. 531 (1647, pp. 191, 192), Among our moderne Authors that would furbish this old opinion, and plant Countreyes in the Orb of the moone, and the rest of the celestiall bodies, *Gaspar Galileo Galilei* is one, who by artificiall prospectives hath

brought us to a nearer comerce with Heaven, and drawn it sixteen times nearer the earth then it was before in ocular appearances by the advantage of the sayd optic instrument.

Why *Gaspar* is prefixed by Howell to Galileo Galilei I do not understand. It may be noted that just now English Customs authorities have been debating whether spectacles come under the head of "Optical instruments."

Book III., xiii., p. 536 (1650, p. 25), Therefore I may say that you have not *spartam nactus* which was but a petty Republic, *sed Italiam & Gelliam* [sic] *nactus es has orna*, you have got all *Italy* and *France* adorn these.

See Fragm. 9 of Euripides's 'Telephus,'

Σπάρτην ἔλαχες· κείνην κόσμει,  
Τὰς δὲ Μυκήνας ἡμεῖς ἰδίᾳ.

and Erasmus, 'Adagiorum Chiliades,' s. 'Spartam nactus es, hanc exorna.' If Agamemnon is here bidding Menelaus to rule his own Kingdom of Sparta and leave him to manage Mycenae, the Greek is generally mistranslated and misunderstood. See W. F. H. King's 'Classical and Foreign Quotations,' 3rd ed., pp. 332, 333, and E. J. Payne's note on Burke's 'Reflections on the Revolution in France,' there quoted.

Book III., xxi., p. 544 (1650, p. 33), *To Sir Paul Neale Knight, upon the same subject.*

In the course of his note Jacobs refers to Hudibras II., iii., and remarks that Sir Paul is supposed to be the original of Sidrophel. The Sidrophel of this Canto is surely William Lilly. See Zachary Grey's Notes. On the other hand the 'Heroical Epistle of Hudibras to Sidrophel,' published later, is said (see Grey's commentary) "to have been occasioned by Sir Paul Neal, a conceited virtuoso, and member of the Royal Society, who constantly affirmed that Mr. Butler was not the author of Hudibras, which occasioned this epistle; and by some he has been taken for the real Sidrophel of the poem."

Book III., xxii., p. 546 (1650, p. 35),  
*To Dr. W. Turner.*

The letter is dated by Howell 9 Aug. 1648. Jacobs has the following note: "Dr. W. Turner, mentioned in Wood, *Athen. pass.*; Forster, *Eliot*, i. 478, 498-9; Nich. iii. 120; Evelyn (Chandos ed.), 495. Probably related to Dr. S. Turner of p. 511 *supra*."

Here again Jacobs appears to have merely skimmed indexes in quest of examples of a surname. The Turner in Forster's *Eliot* is Dr. *Samuel* Turner, the eccentric M.P. Those mentioned by Evelyn are *Francis* Turner, bishop of Ely, and his brother *Thomas*. From Wood's *Athenæ* we get a civilian who died in 1568, etc., etc. It is quite evident that Jacobs set down these references at a venture.

Book IV., xii., p. 580 (1655, p. 34), Add herunto, that neither *Hans*, *Jocky*, or *John Calvin*, had taken such footing here as they did get afterwards, whose humor is to pry and peep with a kind of malice into the carriage of the Court and mysteries of State, as also to malign Nobility, with the wealth and solemnities of the Church.

On "*Hans, Jocky, or John Calvin*" Jacobs comments "Lutherans, Huguenots (?), or Calvinists or Puritans generally."

"Hans" is suggestive of the Dutch rather than the Germans; as in II., lxxvi., "*Don and Hans*, I heare are absolutely accorded." "*Jocky*" surely refers to the Scotch. Compare, e.g., the satirical 'Petition of Jock for Bread,' in the illustrated edition of J. R. Green's 'Short Hist. of the Eng. People.' It looks as though Howell were referring to the influence of foreign sectaries, or what he chooses to attribute to foreign sectaries in the city of London, Dutch, Scotch and French. For Dutch Calvinism compare Tribulation Wholesome, the preacher from Amsterdam in the 'Alchemist.'

Book IV., xliii., p. 629 (1655, p. 99), I was glad to apprehend this opportunity to perform the promise you drew from me then to vent something upon this subject for your Ladships satisfaction.

When Howell wrote this he can hardly have remembered the warning in 'Twelfth Night,' IV., i., where in reply to Sebastian's "Vent thy folly somewhere else," the Clown retorts, "Vent my folly! he has heard the word of some great man and now applies it to a fool. Vent my folly! I am afraid this great lubber the world will prove a cockney. I prithee now, ungird thy strangeness and tell me what I shall vent to my lady; shall I vent to her that thou art coming?" Compare also 'Tristram Shandy,' vol. IV., chap. xix.

Book IV., xliii., p. 629 (1655, p. 99), In these peevish times, which may be call'd the *rust* of the *Iron Age*, ther is a race of cross-grain'd peeple which are malevolent to all Antiquity, If they read an old Authour it is to quarrel with him, and find some hole in his coat; They slight the Fathers of the Primitive times, and prefer *John Calvin*, or a *Casaubon* before them all.

The last sentence reads like a reminiscence of a passage in Bishop Earle's Micro-cosmographie, no. 31, 'A Pretender to Learning':

Hee talkes much of *Scaliger* and *Causabone*, and the Jesuites, and prefers some vnheard-of Dutch name before them all.

Book IV., xliv., p. 636 (1655, p. 108), I pray be pleas'd to present the humblest of my service to the noble *Earl* your brother.

The Earl is George Digby, second Earl of Bristol, who succeeded his father on January 6, 1653. He was half-brother to Sir Lewis Dyve, to whom this letter is addressed, the first Earl's wife having been the widow of Sir John Dyve, Sir Lewis's father.

Book IV., xlvii., p. 638 (1655, p. 110), This makes the *Hollander* to dash his colours, and vail his bonet so low unto her.

The reference is to a provision in the treaty between England and the United Provinces signed by England on April 5, and ratified by the States General on April 12, 1654. The Dutch acknowledged the salute owing to the British flag 'in the British seas.' See S. R. Gardiner, 'Hist. of the Commonwealth and Protectorate,' chap. xxxi.

Book IV., xlviii., p. 640 (1655, p. 112), *Beatissime Pater fac ut hi lapides fiant panes.*

An adaptation of St. Matthew iv. 3, *Dic ut lapides isti panes fiant.*

Book IV., xlix., p. 643 (1655, p. 116), lines 27, 28 of the Elegy,  
He was so neer a Kin

To *Norfolks Duke*, and the great *Maiden Queen*.

The relationship was this. The mother of Edward Sackville, 4th Earl of Dorset and subject of the present elegy, was Lady Margaret Howard, daughter of Thomas, 4th Duke of Norfolk, beheaded in 1572. The Duke was Queen Elizabeth's second cousin, his father, the poet Earl of Surrey, having been Anne Boleyn's first cousin, and his grandfather, Thomas Howard, 3rd Duke of Norfolk, brother to Elizabeth, Sir Thomas Boleyn's wife and Anne's mother.

Book IV., l., p. 645 (1655, p. 120), Now, it is more visible in the Loadstone then any other body, for by help of artificial glasses a kind of mist hath bin discern'd to expire out of it, as Dr. *Highmore* doth acutely, and so much like a Philosopher observe.

See Nathaniel Highmore, 'The History of Generation. To which is joyned a Discourse of the Cure of Wounds by Sympathy . . . especially by that Powder, known chiefly by the name of Sir Gilbert Talbot's Powder,' London, 1651, p. 117 (in the Discourse), "This expiration, some by the help of Glasses, have seen in the form of a mist to flow from a Loadstone and other bodies where aporrhæas are more plentiful."

EDWARD BENSLEY.



## ST. CADVAN'S STONE, TOWYN

THE other day, as I was sorting my notes to try and find out something of the history of the Welsh word 'celain' (*carcase, corpse*), I found that my earliest reference was to Sir J. Morris-Jones' *Taliesin* [*Y Cymmrodor* xxviii, 1918], Appendix I, on 'The Stone of Cingen.' There, it is said, celen [= Mod. W. Celain] (*corpse*) is to be found on the so-called Cadfan's Stone in St. Cadvan's Church, Towyn, Meirionydd. Sir John has since treated the inscription on pages 171-4 of *An Inventory of The Ancient Monuments in Wales, etc.*, Vol. VI, Merioneth, 1921. He declares on page 174 that the stone 'preserves a record of the Welsh language, which is older than any other known to exist,' and that it belongs to c. A.D. 660.

The supposition that a 'tombstone' with a Welsh poetical inscription and containing the word 'celen' (*corpse, carcase*) should be found belonging to the seventh century was startling, and it was necessary to examine it further. It may help the inexperienced student to have on record some things encountered in examining the word 'celen' of this interesting document.

### BIBLIOGRAPHY

This Cadfan stone has been treated frequently from the time of Ed. Lhuyd to the 1921 excursus of Sir J. Morris-Jones. It has been read as Latin, Anglo-Saxon and Old Welsh. A. Hübner, in *Inscriptiones Brit. Christ.* (1876), §126, p. 44, and I. O. Westwood, *Lapidarium Walliae* (1876-9), pp. 158-60, give a bibliography of printed articles and plates of the Inscriptions. The following items, at least, should now be added. Haddan and Stubbs, *Councils, etc.*, I, 165; Dr. John Jones, *History of Wales* (1824); Mr. Egerton Phillimore (?), *Gossiping Guide to Wales*; Prof. J. E. Lloyd, *History of Wales*, I, p. 222, note 135; Sir John Rhÿs, *Arch. Cambr.*, 1897, pp. 142-6; T. Stephens, *Arch. Cambr.*, 1851, p. 58 *sqq.*; *Arch. Camb.*, 1919, p. 591, and Sir J. Morris-Jones' two articles; Morris, *Cantref Meirionydd* [1890], pp. 531-9; Rev. D. R. Pugh, M.A., in *Welsh Outlook*, 1921, pp. 116-7, 236-7, 1922, p. 96.

To avoid disappointment, however, the reference given by Hübner and Westwood to Lhuyd's description and figure in Gibson's Camden, p. 622, is incorrect. Merioneth is described on col. 622 of 1695 edition, but not the Towyn Stone, and there is no illustration of it in the copies I saw at the National Library of Wales. Sir J. Morris-Jones says it is not in the Camden 1695, but in the 1722 edition. I have examined the copies of the 1695, 1722 and 1772 editions in the N.L.W., but I could not find it at all. Westwood seems to imply that he was using an edition after 1761, but Hübner (*v.* p. 29) was using the 1722 Camden, but neither has p. 622.

I have not seen Gough's Camden 1789 edition, but the 1806 edition, Vol. III, p. 172, says (*a*) that the inscriptions of the Cadvan Stone on Plate IX are engraved from Pennant's *Tours*, Vol. II, p. 97; and (*b*) that of Dr. Taylor's, taken in 1761, when he had caused the stone to be removed from its place as a gate-post.

[*v.* Pennant's *Tours*, edition 1784, Vol. II, 103, and Supplemental Plate V at the end. The reference in Sir J. Morris-Jones' *Taliesin* gives (page) 1784 instead of (edition) 1784, as above.]

Pennant II, 103, and the 'Advertisement' at the beginning, thanks 'Sir John Sebright, Bart., for his liberal communication of several of the late Mr. Edward Lhuyd's MSS.,' and says that he found there 'the drawing of the sepulchral effigies of a churchman, another of a warrior, and two rude pillars, one seven feet high, and an inscription in old characters' from Towyn.

The plate of this stone in Gough's Camden 1806 edition is re-engraved from the Pennant plate. Sir John says that Pennant's 'Plate V . . . differs somewhat from the Gibson engraving according to Westwood's description' (*Taliesin*, p. 260), but there appears to be no plate in Gibson, and Westwood does not describe them in pages 158-60, where he treats the inscription. Gough's and Pennant's plates look slightly different because the needle lines run across Gough's and along Pennant's engraving, otherwise the first is a very true copy of the second. There is, however, a mark like a suprascribed — in Pennant's over the final N of TENGN, but not in Gough's.

Hitherto I have failed to trace the Lhuyd original of this Pennant plate from the Sebright library. That library was dispersed long ago and portions perished by fires, but Mr. E. J. Gwynn, who was responsible for the excellent *Catalogue of the*

*Irish MSS.* in Trinity College, Dublin, 1921, kindly tells us that the drawing is not in the Sebright-Lhuyd's MSS. there. Many of Lhuyd's archaeological drawings are reproduced in his *Parochialia*, published as a supplement to the *Arch. Cambr.*, 1909-11, from Pen. MS., 251B, etc., but it is not in either of these. Since then, Mr. Ed. Owen has discovered a collection of Lhuyd's drawings which he has described in his invaluable *MSS. relating to Wales in the British Museum* (1922), Vol. IV, p. 851, but Mr. Owen kindly tells me the original is not there.

It would not have been so necessary to search for it, perhaps, but for the fact that Sir J. Morris-Jones has reproduced an alleged drawing of this stone from a Lhuyd MS., with Lhuyd's reading and interpretation, in the Merioneth volume of the *Inventory of the Ancient Monuments of Wales*.

Opposite page 174 of this official publication there is what is called 'a reproduction of Lhuyd MS.' which gives :—

- (a) a transliteration of the inscription ;
- (β) two attempts at rendering this in intelligible Latin ;
- (γ) an English translation ;
- (δ) a Welsh translation.

There the inscription is read as Latin and the following translation is there offered : 'Dead lieth Cadvan, by the brightness of his mind, his speech dropped as honey. He is held mute in the grave. But thou Cadvan expected thy reward hereafter in heaven.' The whole thing is so unlike Lhuyd's work and also so unlike the normal seventh-century epitaphs.

According to Sir John (Merioneth, p. 171), the facsimile of Lhuyd's is taken from 'Peniarth MS. Addit. 111B in the National Library of Wales.' That MS., however, is a MS. in the hand of John Jones, Gelli Lyvdy, the famous copyist. The plate is clearly taken from N.L.W., Add. MS., 111B, and not from any MS. in the Peniarth Collection.

Lhuyd's handwriting is quite well known. Mr. Richard Ellis reproduced a full page of it in his *Facsimile of Letters of Oxford Welshmen*, also in *Transactions of Cymmrodorion*, 1906-7, and there is also a prism-facsimile of it as frontispiece of Lhuyd's *Parochialia*. Moreover, the secretary of the Commission responsible for the Merioneth Inventory had catalogued Lhuyd's MSS. at the British Museum, and the Chairman of the Monuments Commission was the Editor of the *Cymmrodor*, which published some facsimiles of Lhuyd's.

It is quite clear from the plate opposite page 174 of the Inventory that this is not the hand of Lhuyd (who died in 1709), but must belong to a later time. [Let the student compare the facsimile in the Merioneth Inventory and Lhuyd's copy of the Eliseg Stone in *Cymmrodor*, xxi, p. 40, and note the difference.]

The National Library Catalogue of Add. MSS., p. 110, describes MS. 111B, whence the facsimile is taken, as 'Early nineteenth century MS. Two notebooks bound in one cover containing miscellaneous notes by Edward Jones, Bardd y Brenin, also a few loose leaves. Formerly Phillipps MS. 17740.'

The facsimile, therefore, is of Edward Jones' hand and not Edward Lhuyd's.

But even if it were Lhuyd's it is not clear why this has been reproduced rather than Pennant's plate from Lhuyd, for Sir John says (Merioneth, p. 171), 'Pennant's engraving of the stone . . . differs considerably from the lettering in Lhuyd's MS., here reproduced, and must have been taken from a later and more careful drawing of Lhuyd's.'

The writer of N.L.W., Add. MS., 111B, was acquainted with the Sebright Collection of Lhuyd's MSS., for he refers to it on pages 58-60. He says also that some of the contents are taken from 'Plasgwyn MS. 56.' This is in the Panton Collection, and the MS. is now N.L.W., MS., 2023B, which is a miscellaneous MS. transcribed by Mr. Evan Evans (Ieuan Brydydd Hir).

In this MS. there is an inscription called 'Characters on the bells of Towyn Meirionydd,' which may be seen also in Gough's Camden III, Plate IX, opposite page 172, but the Towyn Stone is not there.

I have not found the source of the Edward Jones' Inscription which Sir John published as Edward Lhuyd's. Like the 'characters' on the Towyn Bell, it may have come from a Ieuan Brydydd Hir MS. (Ieuan was a curate at Towyn for some time), but I have not seen it. However, it may have come from another source. It was fashionable to copy inscriptions then, and I have several copies of that time in my possession picked up as loose sheets in old books. The student should therefore note :

Lhuyd's drawing was reproduced in Pennant's ;

Pennant's was re-engraved for Gough's Camden.

The facsimile in the Merioneth Inventory, published as Lhuyd's, is from Ed. Jones' MS., and is of no epigraphical value,

and I cannot trace it to a Lhuyd MS. anywhere. [Many of Lhuyd's MSS. perished by fire and this may have been among them.]

If the bibliography and origin of the published copies are in such a tangle, the interpretation of the inscription has fared no better, and another attempt, whatever its value, cannot make it worse.

### THE INSCRIPTION

The stone is badly weathered, but enough remains to decide, possibly, to what class of inscriptions it belongs. Hitherto, the inscription has been treated as an epitaph on the 'tomb-stone' of Cadvan or Cyngen. [I take the readings given in Hübner, § 126, and Merioneth Invent., p. 172.]

The first inscription is said to read

CINGEN CELEN TRICET NITANAM

and Sir John translates 'Cynien's body lies beneath' (Merion. Inv., p. 173).

It will be seen that this inscription thus arranged is taken as if Hübner's sides *a* and *d* were continuous, and that the words MOLT . . . TUAR of *d* did not belong to it. On side *a*, however, there are two so-called 'semi-lunar' marks which should be examined in the photograph of the stone opposite page 172 of Merion. Inv.

According to Sir John, these are 'more likely to denote that the inscription is to be continued than to mark the end' (*Taliesin*, p. 261).

CINGEN CELEN. This 'would seem to mean the "corpse of Cyngen," though one would have rather expected CELEN CINGEN, but the placing of the genitive first is attested sometimes in Old Welsh poetry' (Rhÿs, *Arch. Camb.*, 1897, p. 142). Sir John says (*Taliesin*, p. 263): 'The construction in CINGEN CELEN is the same as that in "Taliesin gan" (*Taliesin's Song*),' so both of them were satisfied then, that CINGEN CELEN = *C.'s Corpse*.

Since Rhÿs wrote that in 1897, he changed his mind, for in his essay on the Englyn (*Cymmrodor*, 1905, Vol. xviii, p. 61), he says: 'It must be confessed [one has] no explicit warrant in any of our epitaphs for introducing the word *corpus* or any of its equivalents into our inscriptions.'

His earlier theory of Latin epitaphs and the necessity of 'supplying *corpus* or *sepulchrum*' is stated explicitly in his

*Welsh Philology*, edition 2, p. 360, so that he had held it for a long time before a greater experience of early epigraphy compelled him to abandon it in *Cymmrodor*, xviii, p. 61. But, evidently, Sir John did not share Rhŷs' new conviction.

'Corff' (*corpse*), like the English 'body,' may be seen very occasionally on tombstones in Wales, from Anglesey to Pembroke, since the fashion of erecting tombstones was renewed in the sixteenth century; but it is put there and for a definite purpose in violation of the traditional formulæ. But 'celain' I have never seen, and in Modern Welsh it would be as offensive as 'carcase' would be on an English, or 'cadaver' on a Roman epitaph.

Hübner (*Inscr. Brit. Christ.*, § 165) does give one Christian epitaph from Hampshire with the word 'corpus,' but it is a doubtful case; but neither Hübner nor Westwood gives one for Wales, I think.

I have looked through the indexes of such volumes of the *Corp. Inscr. Lat.* as appeared pertinent. The volume for Algeria gives *corpus* in § 1202, but the word 'corpus' is used to indicate the relative position of the body buried and not a part of the epitaph proper, and there is another like it in Rome; but I can find no more. I have looked through the first 2,000 Inscriptions in Diehl's *Inscriptiones Lat. Christ. Vet.* (1925 *sqq.*). There are three or four inscriptions with 'corpus,' but in the class which he calls 'Jura Sepulchr.', where a penalty is imposed for interfering with the body buried—the word is not a part of the epitaph at all. (*v.* also Mommsen's *Strafrecht*, IV, x.) Whatever the result, CELEN (*corpse, carcase*) is very unlikely, and so is this poetical construction in Welsh epigraphy. As Sir John Sandys says in his Preface to *Latin Epigraphy*—Epigraphy is so conservative that it 'leaves little play for . . . that forward, delusive faculty—the imagination. In restoring an incomplete inscription, epigraphy almost wholly depends on the exact knowledge of a multitude of *nearly invariable precedents and customary conventions.*'

Further, epigraphy knows nothing, I think, of Sir J. Morris-Jones' 'continuation marks,' as he calls the so-called 'semi-lunar' marks. The ivy leaf or the 'hederae distinguentes,' triangular marks, the point above the line, etc., are well known as points for separating words, but not coupling them, and the flourish or fern, etc., for filling up an empty space, are found in abundance.

Marucchi (*Christ. Epigraphy*, Plate XXX), gives one on an eighth-century stone.

I suggest, however, that these marks on the Cadfan Stone are neither flourishes nor points, but a horizontal  $\text{—}$  (I) and a suprascribed N. Let the student first look at the final horizontal  $\text{—}$  on the following inscriptions in Hübner : §§ 12 (*bis*), 13 (*bis*), 14, 17, 18, 25, 26, 50, 71, 88, 89, 91 (*bis*), 92, 95 (*bis*), 98, 109, 135. This I varies much in the angle it makes with edge of the stone. Several stones are given also with the suprascribed N, i.e.  $\text{—}$ . If this is correct, then this part of the inscription is CINGEN CELENIN.

Even now, the stone is within a few hundred yards of Llangelynin Parish, and, according to Westwood, it looks as if it had been at one time actually in what is now Llangelynin Parish. Sir J. Morris-Jones (*Merion. Invent.*, 173) suggests that possibly the stone was the 'Croes Egryn' of the neighbouring parish of Llanegryn, which is still further away.

Llangelynin is one of the oldest churches in the county and is dedicated to St. Celynin. He is reputed to be one of the twelve sons of Helig ab Glannog, and to have flourished in the seventh century, and whose territory was inundated by the Irish sea. The stone is generally dated in the sixth or seventh century, so that appears to suit Celynin quite well.

This, however, may be only substituting one difficulty for another. Celynin is not known to me to have a son Cyngen or Cynien, or any other name, and the new reading would seem to be, according to the usual formula : 'Cyngen [son of] Celynin.'

Sir John has gone to much trouble in *Taliesin*, page 262, to prove that this name would be 'Cynien' in Modern Welsh, and not 'Cyngen,' but he does not appear to provide a valid reason for that, and it seems to be done in order to prove that Ab Ithel's theory about the identity was wrong. On page 243 of *Taliesin*, he chastises Dr. Gwenogvryn Evans for not consulting Rhÿs' *Hibbert Lectures* (1888), while he himself has overlooked Rhÿs' detailed treatment of this Cyngen and Cinen in 'All Around the Wrekin' (*Cymmrodor*, 1908), pp. 37-8. There Rhÿs says, 'We might expect *cinyen*, which I have not met with, and in the other *Cinen*, etc.,' and he gives the references to the Book of Llan Dav (which Sir John uses) as well as others. There is no doubt that there is a proper noun of this form 'cyngen,' but the occurrence of Engan, Einon, einion, eingion, engan, etc.,

shows that the early confusion of *n*, *ng*, *ni*, *in*, makes it inadvisable to be dogmatic.

Rhÿs and Sir John cite the Trallong inscription, CUNOCENNI FILIUS CUNOCENI in support, and Sir John says: 'It might be worth while examining the Trallong stone again to see whether . . . the last C has not a tag which makes it G, as it is rare in these inscriptions to find father and son of the same name' (*Taliesin*, 262).

Hübner read C, but Westwood (1876-9), p. 62, says: 'There is an oblique impression on the stone at the bottom of the second C which gives the appearance of G,' and Rhÿs says [ 'All Around the Wrekin' (1908), p. 36], 'On the strength of a photograph given me by the late Mr. Romilly Allen, I now make it . . . CVNOGENI.' This is repeated in *Arch. Camb.*, 1918, p. 184 [confirmed by Dr. Macalister, *Arch. Camb.*, 1922, p. 202]. Mr. Gelly, the learned Vicar of Trallong, has just re-examined it for me, and he has no doubt it is G. Sir J. Morris-Jones' note might, therefore, lead the inexperienced student astray, who had not seen Westwood and Rhÿs. The epigraphist would probably interpret the reason given for re-examination differently. Similar forms occur also on the Pillar of Eliseg, in the *Annales Cambriæ*, etc., so that they are well established.

But it should be noted that there is also a common noun of like form and there are many cognates. They are so many and enter into so many compounds that it will be necessary to treat them apart, but it cannot be done here.

The *Notit. Dignit.* [Ed. Böcking II, 112] gives a British place-name 'concanegios' and con- enters into several British place-names which might in this position give cyn-g. There is also a 'cen,' which has caused great trouble. Glück (*Die bei C. I. Caesar vork. keltischen Namen*, p. 57 sqq., and *Keltische Etymologien*; *Cod. Germ.*, 5166 Munich Staatsbibliothek, fol. 111) dealt with this long ago, but without satisfying himself as to the origin, and it is still unsettled after Holder, Rhÿs and Stokes have treated it. It is not clear whether cen- in Cenimagni is cēn or cēn, and it is therefore risky to cite it here.

Rhÿs was more imaginative than usual when he treated 'Cenimagni' in *Celt. Brit.*, p. 287, and regarded it as a parallel in meaning to 'Saxons.' Holder has collected the cing- compounds in his *Alt-kelt. Spr.*, but follows De Jubainville in equating them with the Irish cingim, *I go*, but this is vitiated by equating it with

Welsh rhygyngu, which is not Welsh at all but English. Stokes (*Celt. Decl., Trans. Phil. Soc.*, 1886, pp. 150, 158) treats the inscriptions, CINGOS and ECKINGOREIX. But they are all indefinite because they were working with unsifted material, and it will be necessary to collect the yet living forms in Mediæval Welsh which are cognate.

'Kyngen kymangan' occurs in B.Tal. 46<sup>2</sup>. Sir J. Morris-Jones (*Taliesin*, p. 201) writes it with a capital K, but though that is necessary to his argument, it is not in the MS. He translates it 'of the same nature as his grandfather Cyngen (Cincen in the Harleian pedigree).' The line occurs in Trawsganu Kynan, but there appears to be no kind of reference to his grandfather. It was necessary to treat *kymangan* as Old Welsh and equivalent of modern *kyffanian*, but he had overlooked the frequent occurrence of Mediæval Welsh *kyman*, *kymann*, of which that is a derivative. Now, Kynddelw has this same word in a way that cannot be mistaken for a proper noun.

'Tyssilyaw teyrned nen brenn, teyrnas dinas *di-asgenn*, teyrn vard . . . teyrnwawt teyrnwyr *kyngen*, kynnydwys kynnif *kygorffenn*' [*Red Book Poetry*, col. 1168<sup>1</sup>, Ed. J. Gwenogvryn Evans].

Here we appear also to have a double negative of the root *-cenn* in *di-as-genn*; *asgen*, like the similarly formed *esgar*, occurs as opposed to *kar kinsman* (v. *Red Book Poetry*, 1241<sup>38</sup>, etc.); *echen* seems to be another derivative of it.

*Kyngen* appears in *Red Book Poetry*, col. 1333.2, in what may be a suggestive way, 'brat kyngen' (*treachery of the clan*)? There is also a *cen* in Mediæval Welsh which seems at times to be related, though at other times remote enough. It seems clear to me that there is a *kyngen* in Old and Mediæval Welsh for 'a unit of society,' which I cannot define at present [*clan*, *sept*, *tribe*, etc., are too risky to use, and technical names have not yet been coined to describe Celtic social divisions in English].

Walde (*Lat. Etym. Wort.*) equates *cyn-* with 'ceneu,' etc., *whelp*, *offspring* and, for want of a better term, I substitute the cog. derivative 'cynydd' (*offspring*), etc., here and translate CINGEN CELENIN: Family, offspring of Celynin, or the land of the offspring of C, something like *civitas* on Latin inscriptions. If this is valid, then the stone is not a 'tombstone,' as usually described, but one of the class 'cippi termin-

ales'—boundary marks, which are very well known everywhere.

It is possible, without much philological legerdemain, I think, to read side *d* in conformity with the above hypothesis. MOLT CIC PETUAR appeared to Rhys to mean 'mutton flesh of four'; and to Sir John, 'Tomb of Tegryn, cynien and others four.' The first word is doubtful: MOLT and MORT have been read. The remainder may mean CJC PET UAR (Points were seldom used in early inscriptions), i.e. MC *feet above*. [Normally one would expect PED for 'pedes,' but as Grandgent says in *Vulgar Latin*, § 282, 'At the end of a word there was hesitation between *d* and *t*, e.g. apud, aput, etc.]

UAR Mod. Welsh "*gor*," dial. "*o war*," *over, above*, etc.

Sir John regards this bit as a little inscription apart, and it must be a kind of postscript if the whole stone is 'Cynien's tombstone'; but it seems to be necessary to the next part which Sir John reads TRICETNITANAM, and translates (*Cynien's body lies beneath*, though the grammar would normally imply '*let it dwell beneath*.' If the 'MC Pet' is correct, then 'tricet' might mean TRI CĒT NITANAM, i.e. 300 *below me*, and so read like a normal boundary mark. The suprascribed N might be dropped often in copying on vellum, but it is different to postulate this for an inscription, even an inscription of this rude lettering, and I do it with diffidence. The suggested readings on sides *a* and *d* would mean 'CIVITAS CELYNIN: —1100 FEET ABOVE, 300 BELOW ME.'

The two other sides, though rudely cut and badly weathered, seem to contain some recognizable place-names, but I find it impossible to suggest a connected reading.

Rhys read TENGRUIC (*Arch. Camb.*, 1897, p. 142), but Sir John, TENGRUIN. I do not know how early the Celtic '*din*' *oppidum* became 'tin.' One finds it in the Book of Llandav in Tinterna, Din Dirn [I am aware of Rhys' theory that *tyn* = *tyddyn* in place-names, but taken generally that is not valid]. Rhys' reading might give Tyncrug; I cannot find it on the map, but Bryncrug is close by. But the stone is in such a condition that many conjectures are possible and few data here to control them. It is unfortunate, then, that such a document was used to uphold a theory of sixth-century Taliesin. It would be equally vain to declare that it is the old stone which gave the name to 'Croes Faen' on Morfa Towyn close by, and set

up as a land-mark by Celynin or his people after the alleged seventh-century inundation of his land when the land was adjusted after the disaster, though this might appear much more plausible.

Sir John regarded the inscription as Welsh and not British, i.e. British had definitely lost its old case endings by A.D. 660. This is used as one of the most tellings things in his argument for a sixth cent. Taliesin. His reading and interpretation cannot stand, I think. There is a still more serious argument against the use made of the alleged loss of case endings. Let the student read pages 286, 291 of Sandys' *Epigraphy* (2 Ed.). Abbreviated or shortened forms are constantly used and Sir John's own reading contains several abbreviations. Where abbreviated forms are the rule the dropping of the case endings may be due to the stone-cutter rather than to linguistic change, and the argument has, therefore, no force.

TIMOTHY LEWIS.



# THE INFLUENCE OF VALENCIA AND ITS SURROUNDINGS ON THE LATER LIFE OF LUIS VIVES AS A PHILOSOPHER AND AS A TEACHER

*A Lecture delivered in the Paraninfo of the University of Valencia, in Spain, on Monday, April 4, 1927, by Professor Foster Watson. Now written out and at points expanded by Professor Foster Watson.*

AN ENGLISH CONTEMPORARY POET  
JOHN LELAND  
TO  
LUIS VIVES

Inclyta quem genuit tam fonte Valentia divo  
Orator, toto clarus in orbe mane.  
Tu quoque iam lumen simul immortale Latinis,  
Gloriaque Hispanae gentis, et orbis honos.

From a poem: *Ad Lud. Vivem graviter Erasmi  
morte perturbatum consolatio.* 1536.

## SPAIN, VALENCIA AND VIVES <sup>1</sup>

Vives was born at the critical period in the history of Europe, of the transition from Mediaevalism to Modern Times. Frequently, the importance of the Spanish Renaissance has been either ignored or minimised. We do not overlook Italy. Burck-

<sup>1</sup> Before beginning his lecture on Valencia and Vives, Professor Foster Watson said that, speaking in the University of Valencia on Vives, he felt impelled to say a few words as to the loss sustained by lovers of Vives, by the death of Professor Bonilla y San Martín, once a professor in the University of Valencia. He was a scholar of wide interests, full of industry in research, ever desirous of establishing facts, to whom all interested in Vives owed so much. No personal trouble was too great to discover the truth even of slight details, to place everything together and to offer all his best results of investigation to others. Professor Watson therefore begged to offer, as an Englishman, to the memory of Señor Bonilla, his high respect and his warm tribute, as one who had learned so much from him and his work, especially with regard to Luis Vives.

hardt and J. A. Symonds make us familiar with the Italian Renaissance. We do not overlook the Northern Renaissance, for it is associated with the name of Erasmus, and Erasmus is a name of attraction to all students. We tend, however, to overlook Spain. Yet there is a remarkable parallelism between the revival of learning in Spain and that in England or in Flanders, and in some cases, Spain had the priority. Thus, the Complutensian Polyglot (compiled by the Spanish group of scholars at Alcalá de Henares) preceded the *Novum Instrumentum* of Erasmus in its production, although not in its publication. Academically, the splendid foundation of Jiménez at Alcalá included a College of the three languages (the 'holy' languages of Hebrew, Greek, Latin) and this appears to be the prototype, if not of Wolsey's foundation of Christchurch at Oxford, at any rate, of the famous Collège des Trois Langues, founded by the will of Jerome Busleiden, at Louvain, and placed under the direction at first of Erasmus himself. Giles Busleiden, the brother of Jerome, had visited Toledo and died there in 1502. So we can trace Spanish connexions with Louvain. Let it be remembered that to one of the lectureships established by Wolsey at Oxford, the Spaniard, Luis Vives, was elected. Professor Riba y Garcia, a week or two ago, here in Valencia, eloquently dwelt upon the life and work of Luis Vives in *England*, at Oxford and in London 1523-8. Let me, in some sort of return for his gracious exposition of the connexion of Vives and England here and now, in Valencia, emphasise the effect of the influence of Spain, and particularly of Valencia, upon the later life of Luis Vives as a Philosopher and a Teacher.

In Spain the Renaissance movement had not only a literary but also an educational aspect. Alcalá under Jiménez entered into competition with Salamanca, called sometimes the eighth wonder of the world. Jiménez also prevailed upon his friend Juan Lopez de Medina Coeli to found the Academy of Sigüenza. Although, in some respects, Alcalá was permeated with a new sense and direction of scholarship, yet Salamanca was far from being so reactionary as is sometimes supposed.<sup>1</sup> Mr. Aubrey

<sup>1</sup> In his most interesting book : *Luis de Leon : A Study of the Spanish Renaissance* (Oxford University Press, 1925), Mr. Aubrey F. G. Bell describes the activity of Salamanca in propagating knowledge. 'Every day,' says Luis de Leon (1527-91), 'we see men changing places, and it often happens that men born in obscurity attain the highest dignity and power. Fray Juan de Regla became confessor to Charles V and Philip II . . . Soto was the son of a gardener of Segovia . . . Perez de Ayala,

Bell maintains that Salamanca, while retaining something of the scientific tradition of the Middle Ages, handed down by Arabic scholars of Córdoba and Toledo, *had early welcomed the new learning*. An advancing wave of new and on the whole progressive education was breaking in on Spain, and this movement was reflected, to some slight extent, in the old Universities, e.g. of Salamanca, as well as in the new Universities, e.g. of Alcalá.<sup>1</sup>

But, over and above the Universities, there was great activity in Spain, at the end of the fifteenth and at the beginning of the sixteenth century, in the foundation of higher schools, often developing into Universities. Thus there were established about this period :

Toledo, by Francisco Alvar ;  
 Sevilla, by Roderigo de San Ælia ;  
 Granada, by Archbishop Talavera ;  
 Ognate, by Mercato, Bishop of Avila ;  
 Ossuna, by Giron, Count of Areka.

#### THE HIGH SCHOOL OF VALENCIA

And, as Valencians know, Valencia received the Papal Bull from Alexander VI sanctioning the Higher School of Studies in A.D. 1500,<sup>2</sup> and it was to this newly established gymnasium or University-school (perhaps we may call it) that Luis Vives went as a boy. One of his teachers at this school was Daniel Siso. In one of the early books written by Vives, Siso is represented as giving a description, the only description, I believe, of the school to which Vives went. This is the passage :

‘ There is a place at the very entrance into the school, which easily becomes muddy with the crowd of scholars who have walked through the rain and the dust. When you have a little passed over this entrance you

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who died as Archbishop of Valencia, had shivered before dawn, as a young boy outside his village church waiting to be taught the rudiments of Latin ; Fray Juan de Marquina, Prior of Guadalupe, had taught himself to read amid the clamour of a smithy.’ Mr. Bell, it is true, is citing examples a little later than Vives. But his conclusion needs consideration as suggesting an earlier preparative educational progress : ‘ A zeal for learning penetrated into the furthest corners of Spain and starving boys tramped many a weary league to reach Salamanca ’ (p. 20).

<sup>1</sup> No less than twenty Universities are said to have been founded in Spain in the sixteenth century.

<sup>2</sup> No doubt this was a re-foundation, and the educational traditions rightly trace back at any rate to 1245 in the reign of James I the Conquistador, of Aragon.

come upon a high flight of stairs leading to class-rooms. The fore-court is often somewhat dark, but the arcades are not unpleasant. There is a great cerulean stone under the stair-case, on which very often pack-men, if they have anything new, flock together, to sell their books, as if they were sentenced to live on the stone. It was when Daniel (that is, Siso himself) reclined on that stone, that Michael Ariguus and Parthenius Tovar, the poet, came to him, for the latter had only arrived a short time before from Murviedro (Saguntum). I at that time only a youth used to follow Parthenius wherever he went. You know, Christophorus, and you know, Luis Vives, what a noble, serious and eloquent poet he was.'

Whilst Vives was still a boy at the Valencian School, the fame of the well-known Renaissance scholar, Antonius Nebrissensis (i.e. Antonio Calà, Harana del Ojo) and his *Institutiones Grammaticae*, reached Valencia, and excited the opposition of the mediaeval reactionaries. Amongst these opponents was another of the teachers of Luis Vives, Jerome Amiguet. The story goes that the boy Luis was required by Amiguet to take up in his disputational discussion the subject of this new grammar of Nebrissensis. Vives, in full sympathy with his conservative teacher, strongly protested against the new grammar, and the spirited Valencian schoolboy thus inveighed against the foremost Spanish scholar of the age, who was earnestly endeavouring to extirpate barbarism from the schools.<sup>1</sup>

<sup>1</sup> Two other legends may be mentioned as to Vives' early days :

(I) That Luis Vives taught in the Valencian School. On this point Dr. Christoval Coret y Peris, Professor of Eloquence in the Metropolitan Church of Valencia and editor of Vives' *Colloquia* in 1723, says : 'The Sophists would not allow Vives to teach in Valencia because they feared that it would bring him to trouble.' Coret then quotes, apparently in justification, the words of Vincentius Blasius Garcia, who proclaims (II) That Luis Vives had been expelled from the Valencian School, because he threatened that he would 'break' the boy who had removed a book of his from the place in which he had put it. Gregory Majans, the editor of the splendid Valencian edition of Vives' *Opera Omnia*, suggests that Garcia may have had in mind some reminiscence of the passage in the colloquy 'Iter et Equus,' in which *Puer* says : 'Alas he has neither bit nor bridle' (referring to the equipment of Philip's steed when setting out on a journey), *Philippus*.—'If I knew who had broken them, I would break him.'

From these legends, we may, I think, safely infer that Vives played an active part in school affairs. They confirm in spirit what Erasmus said of Vives, in his letter to D. Herman, Count of Nova Aquila, in Vives' *Declamationes*. 'When Vives was exercising himself in those subtle but infantile disciplines (of the scholastic exercises) no one disputed more keenly ; no one played his part as a sophist better than he did.'

Luis Vives was born in 1492, and he entered the University of Paris in 1509. If, then, he ever taught in the Valencian School it must have been before the completion of his eighteenth year.

In fact, the influence which Luis Vives received from Valencia must have been imbibed by that age. But so sensitive and responsive does Luis Vives seem to have been, it appears to me to be in accordance with the historical facts, and with direct inference from them, to conclude that the Spanish and especially the Valencian influence distinctively coloured his matured views as a Philosopher and Teacher, all his life, although he was only in the actual physical atmosphere of Valencia up to eighteen years of age.

#### THE 'SCHOLA DOMESTICA' OF LUIS VIVES

I will first speak of the strong bonds of affection and reverence felt by Luis Vives to his family. For, from his father and his mother, Luis Vives derived, clearly, so much of his disposition and tone of character.

Certain passages from Vives deserve attention and justify quotation at length. In his work on the education of girls entitled *de Institutione Feminae Christianae* (1523) :

'My mother Blanche when she had been married fifteen years unto my father, I could never see her strive with my father. There were two sayings that she had ever in her mouth as proverbs. When she would say that she believed well anything, then she used to say, it was even as though Luis Vives <sup>1</sup> had spoken it. When she would say that she wished anything, she used to say it was even as though Luis Vives wished it. I have heard my father say many times, but especially once, when one told him of a saying of Scipio Africanus the younger, or else of Pomponius Atticus, and I imagine that it was the saying of them both, that they never made agreement with their mothers, "nor I with my wife," said he, "which is a greater thing." When others heard this saying they wondered upon it, and the concord of Vives and Blanche was taken up and used in a manner for a proverb, he was wont to answer like as Scipio was, who said he never made agreement with his mother, because he never made debate with her.'

Vives proceeds to say that he intends to write a book telling of her life and acts. At this time he was thirty-one years of age, and had left Valencia fourteen years, and his mother Blanche had

<sup>1</sup> Luis Vives was the name of the father of Vives also. The quotations in this article from the *de Institutione Feminae Christianae* are from the translation into English of Richard Hyrde (died 1528 A.D.), a tutor in the 'School of Thomas More.'

died some years before he left that city, never to return.<sup>1</sup> It is clear that the Vives family were a splendid example of the finest type of Spanish (or shall I not say of Valencian ?) household life, and his home-surroundings were far more effective and penetrating in the bringing up of the boy Luis than even his school-life, which he never forgot, even in its details as well as in its spirit. It was the Valencian *schola domestica* that especially trained Vives. As nearly as one can summarise this type of training, we may say it was a combination of the aims and methods of the knightly households in the upbringing of the men, together with the pious religious atmosphere of the convents to which so many of the best families sent individual daughters, and received in return the reaction of effect in simplicity and devotion as well as in a certain austerity or strain of asceticism in the characters of the women who entered into family life. This can best be illustrated by another passage written by Luis Vives, recording the affection he had for his mother. 'No mother,' he says, 'loved her child better than mine did me, nor any child did ever less perceive himself loved of his mother than I. She never lightly laughed upon me, she never indulged me, and yet if I had been several days out of her house, no matter where, she was almost sore sick; yet when I was come home, I could not perceive that she had ever longed for me. Therefore was there nobody that I did more flee, or was more loath to come nigh than my mother when I was a child. But as I grew up there was nobody whom I delighted more to have in sight; whose memory now I have in reverence, and as oft as she cometh to my remembrance I embrace her within my mind and thought when I cannot with my body.'

This sense of the pieties of family life joined with the *pietas literata* of the school, afterwards transfused with the irresistible fascination of 'good letters' get their beginnings from the Valencian home, and penetrate Luis Vives through and through, and wherever in after life he goes, the love and nobility and culture of his family life are the basis of personal development of standards of life, as well as of principles of educational philosophy. The Valencian home was for him 'the model for the mighty world' outside.

As the years advance, the inner image of his mother grew

<sup>1</sup> There is a tradition that he made a hasty visit on one occasion, but this suggestion does not appear to be established.

more intense. It has been said that Vives is the first modern writer who speaks of his mother. Whether this is the case or not, it may be added that his worshipful devotion to his mother was such as surpassed the comprehension of people outside Spain. Erasmus could not understand Vives' insistence on the family as the basis of the life of high culture in piety and training. When Vives wrote that, in addition to the exalted women saints of the Church, there are 'more recent ones, as Catharine, Queen of England, his own mother-in-law, Clara Cervent,' Erasmus was shocked at this introduction of friends and relatives into print, and into association with the saints recognised as such by religious authorities. Vives, moreover, adds to his list of saints the name of Blanca March. He is conscious that he will be reproved that 'I commend my mother, giving myself up too much to love and piety, to which I attach high place, but I attach still more place to the simple truth.' He continues: 'There cannot lack in every nation and city honest and devout matrons, by whose examples women may be stirred; but yet the familiar examples, as of the mother, the grandmother, the aunt, the sister, the cousin, or of some other kinswoman or friend should be of more force and value.' Was ever a higher appreciation of the place of family reverence as a means of culture put forth? This, then, is the primary element in Vives' scheme of training—and his whole scheme of education may be described as an infinitely enlarged expansion of the *schola domestica*. He has obtained the idea from his own beautiful home-life at Valencia. And note: the passage just quoted is from the *de Officio Mariti*, written twenty years after Luis Vives had left Valencia.

These parents, Luis Vives and Blanca March, were true and characteristic Valencians. They were aristocrats<sup>1</sup> in the best sense of the term. On his father's side the family was distinguished in military life; on the mother's in literature. His grandfather on his mother's side, Henry March, was a jurist of repute and instructed the young Luis Vives in the subject of law, a study which afterwards greatly attracted Vives in its philosophical and practical aspects. The March family to which Vives' mother belonged had had its Ausias March, the distinguished poet, known regionally as 'the Catalan Petrarcha.' The significance of these facts of this family, with its pride in its

<sup>1</sup> A French author says that Vives' family was 'plus noble que riche,' which is likely enough.

coat of arms and its ancestry, lies in the recognition of the dictum *noblesse oblige*. Luis Vives entered into his heritage of family honour with a fullness which foreign experiences and length of time could only increase, and not in any degree obliterate or wither. It is in the veneration which Vives feels for these primary sanctities of personal and family life that he shows for his times a quite unusual type of Renaissance humanism. The affections which clung around his married life at Bruges were a continuous development of the old family life in Valencia. His wife, Margaret Valdaura, although resident in Bruges was of Valencian ancestry. Nor is it quite irrelevant to note that they were married on the day of Corpus Christi, the name by which Bishop Fox had called the Oxford College with which Vives was associated, and in which he was domiciled while lecturing in the University. Bruges—belonging to Flanders, which Sr. Don Pin y Soler<sup>1</sup> describes as ‘an elongation of the Spanish peninsula’—was to Luis Vives ‘a second Valencia.’ In this aspect he differed from so many of the Renaissance scholars; he never turned his back on his own past, but he incorporated his old experiences, and especially his earliest ones at Valencia, into the whole current of his developing personality. Whilst strengthening his intellectual abilities all through his life, he continuously absorbed all his new experiences and ideas into ‘the study of imagination’ which had stirred him in its first vigour in Valencia. When Vives married Margaret Valdaura, the Valencian bond was only the more strengthened.<sup>2</sup> The wall-tablet (quoted in the note) represents Luis Vives as Valencian, and his wife Margaret as ‘*rarae pudicitiae*’ and as ‘*sexusque foeminei ornamēto*’ are

<sup>1</sup> On reaching Barcelona, after leaving Valencia, I was indeed sorry to hear that this ardent lover of and illuminative writer on Luis Vives had died about a fortnight earlier. I had not had the pleasure of meeting him, but his cordial letters to a fellow-student of Vives had been always a delight and an encouragement to receive.

<sup>2</sup> Emile Vanden Bussche, the eminent archiviste of Bruges, states in his *J. L. Vives, Eclaircissements*, 1871 (p. 36), that the body of Luis Vives ‘fut déposée dans un caveau construit devant l’autel de la chapelle de St. Joseph à l’Eglise Saint-Donatien. . . . On voyait encore dans la même église, contre le mur, sous la fenêtre à côté de la porte latérale qui donnait sur le Bourg, un tableau sur lequel se trouvaient représentés Vives et sa femme. On y remarquait en outre leurs armes et cette inscription :

Joanni Ludovico Vivi, Valentino, omnibus virtutum ornamentis, omnique disciplinarum genere ut ampliss. ipsius litterarum monumentis

said of Margaret, his wife, recalling the descriptions so affectionately written by himself of his mother Blanca Marca. Margaret was like her Valencian husband ‘*omnibusque animi dotibus marito simillimae*,’ and the two were ‘*ut animo et corpore semper conjunctissimis*.’ This perfect union of man and wife Vives had witnessed between his parents at Valencia, and he experienced it himself in his own marriage in ‘the second Valencia,’ *animo et corpore semper conjunctissimis*. It is this old Valencian home-spirit which is reflected in Vives’ *de Institutione Foeminae Christianae* when he writes—to an astonished world—‘If the wife and husband love each other, they shall will and nill (i.e. wish and *not* wish)<sup>1</sup> one thing, which is the very and true love. For there can never be discord nor debate between those in whom is one heart, not desiring contrary things; and one mind, not of contrary opinion.’ Luis Vives thus with his single-mindedness, thoroughly imbued with his Valencian home-training, naïvely recommends all the married world to have the married concord of his parents Luis Vives and Blanca Marca. Critics gasp, and half-tolerantly whisper ‘*O beata simplicitas!*’ Yes, it was *simplicitas*, learnt in childhood at Valencia, and it characterised him throughout his European life. I have heard it suggested that Luis Vives was a Franciscan Tertiary, but I do not know the evidence for the assertion.<sup>2</sup> We can understand how this tradition, founded or unfounded,

testatum est clarissimo; et Margaretæ Valdauræ, raræ pudicitiae, omnibusque animi dotibus marito simillimae, sexus-que foeminei ornameto, utrisque ut animo et corpore semper conjunctissimis, ita hic simul terræ traditis Nicolaus et Maria Valdaura, sorori, et ejus marito B.M. moestissimi posuerunt. Vixit Joannes annis XLVIII mensibus II mortuus Brugis pridie Nonas Maii MDXL. Margareta vixit annis XLVII mensibus tribus, diebus IX obiit pridie Idus Octobris, anno MDLII.’

Vanden Bussche points out that the place of burial of the remains of Vives is exactly the part of the foundations of the Church ‘qui a été fouillé et bouleversé le plus dans ces derniers temps, par suite de plantations, pose de tuyaux de conduite du gaz le placement de reverbères.’ It should be noted, however, that St. Donatien church-entry gives the date of the death of Luis Vives as that of 11 Mai, and that of Margaret his wife as 11 Octobre.

<sup>1</sup> These are the words of Richard Hyrde’s translation of the *de Institutione Feminae Christianae* (1540).

<sup>2</sup> Professor Riba y Garcia reminds me that Queen Catharine of Aragon (the great friend and patron of Luis Vives) belonged to this order, and that the connexion of Catharine and her friends with the Franciscan Convent of Greenwich *may have attracted Vives* to become a Tertiarian.

should arise ; for the *simplicitas* of St. Francis of Assisi was reflected in that of Luis Vives.<sup>1</sup>

#### LUIS VIVES ON LAWS AND THE VERNACULAR

Let us now glance at the Spain (as well as the Valencia) into which Vives was born. The year in which Luis Vives was born was that *annus mirabilis* for Spain 1492, which included the Conquest of Granada, and the Discovery of America.

The interconnexion of the Moors and Valencia continued after 1492 effectively at least till 1612, and their influence together with native quickness and alertness vastly developed the readiness to new ideas. Thus Vives was born into a really progressive city. The Moors had supplied to the Valencians ' their hydraulic science, by which they exercised a magic control over water, wielding it at their bidding : they could do all but call down the gentle rains from heaven, that best of all irrigations *agua del cielo, el mejor riego* . . . The Aragonese, more commercial than the Castilians, wisely after their conquest did not alter or persecute as was done in Andalusia and Estremadura.' So, too, the judicial arrangements for dealing with proprietary and irrigation rights were Moorish ; and Valencian traditional customs, especially in the country districts, were oriental and Moorish, combined with native tradition. To quote again :

' The regulating tribunal (so important in settling irrigation disputes) *de los acequeros* or *del riego*, is said to have been instituted by the Moor, Alhaken Almonstansir Billar, and was wisely retained by Jaime I (the remarkable conqueror of the Moors at Valencia as early as the 13th century). It is truly primitive and Oriental : seven syndics or judges are chosen by each other out of the yeomen and irrigators, the *labradores y acequeros* of the *Huerta*. They sit at twelve every Thursday, in the open air, on benches, at La Puerta de los Apóstoles at " the Apostles' gate " of the Cathedral ; all complaints respecting irrigation are brought before these Solomons and decided in a

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<sup>1</sup> This acceptance of the Franciscan point of view of life in no way would minimise the Valencian influence on Vives or be out of keeping with it. Valencia has been and is still highly sympathetic with St. Francis. A striking instance is the production last autumn (1926) of a particularly beautiful book to celebrate the seventh centenary of St. Francis's death. The author is Valencian, the learned P. Antonio Torró ; the illustrations are by that distinguished Valencian painter, José Benlliure. It is printed and bound in Valencia and published in Valencia. It is a great Valencian book which in all its aspects reflects the Valencian sympathy for St. Francis to-day.

summary way. There must be no law's delay, for water here gives daily bread . . . Time accordingly is saved by prohibiting the use of pen, ink and paper.' <sup>1</sup>

With all this background of historical and traditional retrospect, we see the effect of Valencian surroundings on the later jurisprudential mind of Luis Vives. I have mentioned that Henry March, of the family of Vives' mother, Blanca March, had already trained the young Luis in law, and we can easily discern signs of the Valencian legal impress. Vives says : <sup>2</sup>

'The laws should not only take precautions to preserve the harmony of the citizens amongst themselves, but of the whole race of mankind, whose religious condition of regeneration should be regarded as sacredly as the family concord within the threshold.'

What that meant to Luis Vives we have already seen, viz. the reflection of the concord of Luis and Blanca, on an extended scale, advancing into internationalism, a fore-gleam of the idea of the human principle at the basis of the League of Nations. Laws, to be sound, must be known by all. They must be written in few and appropriate words. They must be accommodated to different men—i.e. they must allow for different psychological types (this is as extraordinarily modern as it is open to fierce criticism). But the explanation surely is that his Valencian memories (though he had left the city twenty-two years before he wrote the *de Tradendis Disciplinis*) made him anxious against insisting on the legal exactions of uniformity ; *reacting unequally* on such different physical, social and religious temperaments and dispositions of the varieties of people in a city like Valencia. Laws should rest upon the prior consultation and acceptance by the people. But Vives' great and insistent condition of good laws is that they should be in the vernacular and in intelligible and clear language.<sup>3</sup> This emphasis on the use and study of the vernacular is distinctly and pre-eminently the claim of Johannes Ludovicus Vives *Valentinus*. It is not emphasised in the same way, for instance, by Desiderius Erasmus, Roterodamus, who is far from making such appeal to his countrymen, to make laws and let education proceed naturally in the developing intimacy with the Dutch language. In the spirit of the Valencian *schola domestica* Vives

<sup>1</sup> R. Ford : *Handbook for Travellers in Spain*, Part I, p. 430.

<sup>2</sup> *de Tradendis Disciplinis*, Bk. V, cap. 4.

<sup>3</sup> He further recognises the growth of language by requiring that as language changes and old forms become obscure, the State should re-frame, from time to time, the old phrases to the uses of later generations.

carries his advocacy of the vernacular on to the very threshold of the church Latin tradition. 'I would wish the maiden to understand what she prays, or else speak in that language which she understands. Whatsoever she prays in Latin let her get it declared to her in her own tongue by somebody.'<sup>1</sup> For all children (still following the Valencian *schola domestica*) Vives advises that they speak in early education 'in their own tongue, which was born in them in their home, and if they make mistakes let the master correct them.'<sup>2</sup>

#### VIVES AND VALENCIAN HISTORY

It is interesting to find that Vives supports his argument for education in the vernacular by an emphatic and direct appeal to Valencian history.

'After James the Conqueror (A.D. 1213-1276), King of Aragon, had won my country, Valencia (1238 A.D.), out of the hands of the Saracens and Moors which inhabited the city at that time, he drove out the people and commanded men of Aragon and Lérida to go and live in it. So the children that came of them both, with all their posterity, kept their mother's language, which we speak there unto this day.'<sup>3</sup>

I do not think it is going too far, by way of speculation, to suppose that Luis Vives has in mind the Valencian *schola domestica* of his own family (of the Vives' and the Marchs) when he says, 'O mothers, what an occasion for you unto your children to make them which you will, good or bad,'<sup>4</sup> by use of the vernacular.<sup>5</sup>

<sup>1</sup> Vives: *de Institutione Feminae Christianae* (edition in English by Foster Watson, p. 89). Vives characteristically goes on to say: 'Let her not think that prayer consists in the murmuring and wagging of the lips.'

<sup>2</sup> *de Tradendis Disciplinis*, Bk III, cap. 3.

<sup>3</sup> *Vives and the Renaissance Education of Women*, edited by Foster Watson, p. 124. At the time of writing, Vives was at Bruges, before he came to England. But it was Valencia, not Flanders nor England, which was for him, 'my country.'

<sup>4</sup> *Ibid.*, p. 125.

<sup>5</sup> 'Let mothers have ready at hand pleasant histories and honest tales of the commendation of virtue and rebukings of vice. And let the child hear the former first, and when it cannot yet tell what is good and what is bad it shall begin to love virtue and to hate vice, and so grow up with those opinions, and shall proceed to become like unto those whom he has heard his mother commend, and unlike those whom she has dispraised. The mother shall rehearse unto them the praises of virtue, and the dispraises of vice, and repeat often times, to drive them into the child's remembrance. I would wish she should have some holy sayings and precepts of life, which being heard divers times should at last find lodgment

## THE VERNACULAR AND POETRY

Whilst Vives is well aware that native poets in the vernacular languages may have bad influences with the ignorant and unlearned, he has a good word for the possibilities of the vernacular for the good poet.<sup>1</sup> Such appreciation of vernacular poets is remarkable in the early sixteenth century Renaissance, and yet it is not altogether inappropriate in one who came from Valencia, the City of the Cid.

## VALENCIAN MOTHERS AND THE VERNACULAR

The conquest of Valencia from the Moors by James I of Aragon took place in 1238 and Luis Vives wrote his *de Institutione Feminae Christianae* in 1523, in which he urged mothers<sup>2</sup> to use no rude and blunt speech lest that manner of speaking take root in the tender minds of their children. Thus for nearly three hundred years there had been a steady development of the mother-tongue in Valencia, and self-defence against the influence of the Moors made it a matter of patriotism to take pride in its use. The presence of bilingualism, in the atmosphere of which Luis Vives had spent his boyhood, no doubt impressed upon him the importance and difficulty of speaking the vernacular purely—and the part mothers necessarily played in this desirable practice. From

in the children's remembrance, though they gave no heed to them at the moment. . . . They inquire everything of her ; whatsoever she answers they believe and regard, and take it even for the Gospel. . . . Then should right and good opinions and the pure faith of Christ Jesus be poured into their minds to despise riches, power, honour, pomp, nobility and beauty, but to reckon as true and sure goods, justice, devotion, courage, continence, wisdom, meekness, mercy and charity with mankind.'

<sup>1</sup> 'There is no human mind, however simple and removed from human instruction, which has not received from nature certain germs of arts. And if this happens to men who are foolish and dull, how much more to those endowed with alertness and keenness of wit ? So we find with our own poets, who compose poetry in the vernacular languages, and who, although we know them to be unlearned men, yet they insert into their poems such things as we who know them, marvel that they should be able to include' (*de Tradendis Disciplinis*, Bk. III, cap. 5).

<sup>2</sup> On occasion, Vives can be severe in rebuke of Valencian women. Thus, he has no patience with women who paint their faces : 'Juvenal asks a fitting question, Is one who is smeared and starched with many ointments to be said to have a face or a sore ? I will rebuke *my own country*, which is to me the most dear, that for shame it may give up the practice. . . . God hath given thee a face after the image of His Son, nor hath He given thee it naked. For He hath breathed into it the spirit of life . . . Why then dost thou over cover it with dirt and mire ?'

this same practice of bilingualism<sup>1</sup> in Valencia evidently Vives derived the suggestion (startling as it must have been to his early sixteenth-century Renaissance contemporaries) of the possibility of the scholarly historical study of the vernacular. Latin derived, from the ordinary view, especially of the contemporary scholars, so great an advantage by its supposed fixity (due to the intensive, concentrated and isolated study) of the great models such as Cicero and Terence.

#### SCHOOLMASTERS AND THE HISTORICAL STUDY OF THE VERNACULAR

But Vives (evidently due to his experience of the dangers of Valencian bilingualism) appealed to schoolmasters generally as he appealed to the mothers: 'Let the teacher know the mother-tongue of the boys with exactitude, so that by means of the mother-tongue he may make his instruction more pleasant and easier for them. Unless he knows how to express aptly and exactly, in the vernacular, what he wishes to speak about, he will easily mislead the boys, and these mistakes will accompany them when they are grown up.'<sup>2</sup> 'But the teacher ought further to understand the historical growth and development of the vernacular; the words which have come into the language, those which have gone out of use, and those which have changed in meaning. In short he should be a "Prefect of the treasury of his language, otherwise in the multitudinous changes of a language, books written a century before in it will become unintelligible to posterity."'<sup>3</sup> These words (so remarkable in a scholar who, himself, wrote almost always in Latin, and to scholars imbued with the idea of a scholar's dead language with a fixed standard) I think can

<sup>1</sup> Vives wishes Latin to be learned as nearly as possible as a spoken language as is the vernacular. As to grammar-teaching, he says: 'In a language which is in the continual use of people, there is no necessity to frame systematic rules. The language is learned better and more quickly, from the people themselves. In the case of Latin, there are some points noted by the more learned *who have inferred what the Latin language was when it was a vernacular and mother-tongue*. Rules are throughout for the guarding against mistakes and speaking inaccurately in dead languages. . . .' When Vives supports the teaching of Latin as a universal language, it is not as a substitute for the vernacular. Essentially he is advocating a bilingualism, to consist of the vernacular and the international language (once itself a vernacular). For Vives' views as to the teaching of Arabic, see p. 69 *infra*.

<sup>2</sup> *de Tradendis Disciplinis*, Bk. III, cap. 2.

<sup>3</sup> Foster Watson: *Vives on Education*, Introduction, p. cxliv.

only be explained by the Valencian origin and early experiences of Vives.

#### THE GREAT AGE OF SPANISH DISCOVERIES

The great period of Ferdinand and Isabella made Spain the most brilliant Court in Europe, and Vives entered into the sense of the national glory. There was great intellectual and literary activity as well as educational fervour. Ferdinand of Aragon and Isabella of Castile, in their union made a great bid for the intellectual unity of Spain. This strain of Spanish patriotism passed into the Valencian Vives. We catch glimpses of his appreciation in such a passage as the following :

‘ Writers of histories make mention that, in old time, in Spain, great wagers were laid, which women should spin or weave most, and great honour and praise was given to them that laboured most diligently. Yet to this day there is the same love of earnest work in many, and among all good women it is a shame to be idle. Therefore, Queen Isabella, King Ferdinand’s wife, taught her daughters to spin, sew and paint ; of whom two were Queens of Portugal, the third of Spain, the fourth the most holy and devout wife of K. Henry VIII . . . of England.’<sup>1</sup>

And again, says Vives :

‘ The four daughters of Queen Isabella were all well learned. Dame Joan (wife of King Philip, mother to Charles) was wont to make answer in Latin, and that without any study, to the orations customary in towns to new princes. Likewise, Queen Catharine of England. So the two sisters in Portugal, and of all these none others ever more perfectly fulfilled all the points of a good woman.’<sup>2</sup>

In spite of his schoolboy tilt against his Renaissance grammar, Vives in later life held in respect and was clearly proud of Antonius Nebrissensis (Antony of Lébrija) and his early dictionary and grammar of Spanish and Latin. Peter Martyr of Milan ‘ has compiled monumental books in his records of the navigations of the ocean and the Discovery of the New World, which took place in his time.’<sup>3</sup> Then follow the prophetic words, ‘ But since then, yet vaster events have taken place. These cannot but seem fabulous to our posterity, though they are absolutely true.’

<sup>1</sup> Foster Watson : *Vives and the Renaissance Education of Women*, p. 46.

<sup>2</sup> For the full expression of Vives’ loyal and affectionate devotion, to these members of the Spanish Court, see Foster Watson : *Vives and the Renaissance Education of Women*, p. 53. But Vives’ main delight is that three Spanish princesses were good women.

<sup>3</sup> *de Tradendis Disciplinis*, Bk. V, cap. 2.

## THE SPANISH HUMANISTS

The chief early exponents of humanism in Spain were Antonio de Lébrija, who lived from 1444 to 1522, and Arias Barbosa. The torch of learning was carried on from them into Portugal by Resende (1498–1573), and Jeronimo Osorio has been described as the Cicero of Portugal, though Francis Bacon afterwards designated the classical level of this classical scholar as the ‘flowing and watery vein’ of Osorius. The real level of Spanish learning in the earlier part of the life of Luis Vives is to be found in the enthusiasm of Fernan Nūñez de Guzman (1471–1552) or El Pinciano, in Francisco de Mendoza, and of course in Cardinal Jiménez and his group (that cosmopolitan group of scholars at Alcalá). Amongst the Spaniards, Juan and Francisco Vergara were outstanding. And Juan Vergara was one of the close friends of Vives.<sup>1</sup> Nor let it be forgotten that Vives was so far in touch with this Spanish movement of scholarly advance at Alcalá as to be invited to fill the chair vacated in that University by the death of Antony of Lébrija, without any competition. Juan Vergara begged him to accept the invitation, but for some reason or other Vives forewent this, the only opportunity as far as we know that was offered him of a paid post, which would have enabled him to return to his native Spain.

The distinguished progressive scholars of the Spanish Renaissance came later in time than Vives.<sup>2</sup> Men like Gaspar Lax de Sarineña, Fernando de Enzinas, the brothers Luis and Antonio Coronel, Juan Dolz del Castellar and Jeronimo Pardo, though scholarly, were mediaevalist in training and practice. El Brocense and Ginés de Sepúlveda developed later, and may indeed be said to have owed something to Luis Vives rather than *vice-versa*. Mendoza, Antonio Agustin, Paez de Castro, Bishop Perez of Segorbe and many others were Spaniards Vives would have delighted to know, enthusiasts for classical knowledge. The influence of the ideas, suggestions and scholarship

<sup>1</sup> After recommending the study of Archimedes in mathematics, Vives says: ‘My pupil (when Luis Vives was living at Louvain), Juan Vergara, directed my attention to them. He read them in Spain with the greatest care, and wrote them out in the night-watches from a secret manuscript.’ *De Tradendis Disciplinis*, Bk. IV, cap. 5.

<sup>2</sup> One cannot but lament that Menéndez Pelayo’s projected work, *Humanistas Españoles*, was never completed. He began a bibliography on the subject of Spanish works, but he only reached down to the letter C.

of Vives on his successors, especially in Spain, is a work highly to be desired, if some scholar would but undertake it.<sup>1</sup>

The fact is, nevertheless, that Vives in his classical knowledge was not specifically dependent on the Spanish scholars, who were so often reactionary, and deeply rooted in mediaevalism. Vives had a cosmopolitan perspective, and as he gave his heart and mind to the New Humanism, after he left Paris, and passed his life in Flanders and England, the authors who had the greatest influence upon him were the Scholars of European reputation, chiefly Erasmus (and the members of that wonderful group gathered round Erasmus, first at Louvain and then at Basle). But the inner essence of the Spanish Renaissance was not so much, after all, in learned commentators, but in the sense of 'fresh fields and pastures new' in action as well as thought, in life much more even than in learning.

#### THE SPAIN OF LUIS VIVES

##### *The 'Orbis Visibilis' and the 'Orbis Intellectualis.'*

The *orbis intellectualis* had ever been investigated with acuteness. But it was the glory of the Spanish outburst of human enterprise to explore the vast *orbis visibilis*. The astounding new start for human thought and action was that Columbus had discovered a new world, and in the succeeding events.

'Vasco da Gama had sailed to India, Cabral had discovered Brazil. The seemingly inexhaustible riches of Mexico and Peru had been given to Spain by Cortés and Pizarro. In 1520 Magalhaes set out from Seville to sail round the earth, and in 1522 El Cano returned to the Guadalquivir, having accomplished the feat. Twenty-one years later, Copernicus published at Nürnberg his *De Orbium coelestium revolutionibus* libri IV showing that the earth, thus circumnavigated, was itself in motion. It would have been a marvel if Scholasticism (to which the Spanish clung) had not enlarged its scope, and Aristotelianism like a sunlit cloud became bathed, despite itself, in the light of Platonism.'<sup>2</sup>

Remember, by the side of this passage, Luis Vives' words already quoted :

<sup>1</sup> The treatise of Garcia Matamoros, *de Asserenda Hispanorum Eruditione* (1553), is not to be overlooked.

<sup>2</sup> A. F. G. Bell, *Luis de Leon*, pp. 20, 21.

‘ Since then (the Discovery of the New World) yet vaster events have followed. These cannot but seem fabulous to our posterity, though they are absolutely true.’

Earlier on I emphasised the Spanish, the Valencian *schola domestica*. I now proceed to emphasise the fact that the second great factor in the underlying springs of Luis Vives’ development is precisely this recognition of the enlargement of the physical world (the *orbis visibilis*, as Francis Bacon would say) and the consequent effect on the *orbis intellectualis*. And Vives is distinguished as a Philosopher and as a Teacher particularly because he has seized the significance of this revolution for thought. And in this power of vision, Luis Vives is urged forward intensively and extensively from the Spanish background, the Valencian experiences of his youth.

A fact mentioned by S. D. José Pin y Soler brings out the connexion of the Valencian Luis Vives with close knowledge of the New Discoveries in a very typical way. Among the many Spanish friends of Vives in Paris, says Señor Pin y Soler, was Michael Sant-angel<sup>1</sup> (a Catalonian connexion of the Luis Sant-angel *who had travelled with Columbus*). Valencia, as well as Sevilla, was engrossed in the geographical triumphs of Spain, and Vives associated with a member of the family of a companion of Columbus. Again we can see what it meant for Vives to have been Valencian-born. Let me illustrate this Spanish-sea influence on the responsive Luis Vives.

#### LUIS VIVES AND MODERN GEOGRAPHY

He is the first advocate of the teaching of modern geography. There were plenty of advocates of the teaching of ancient geography; one of the most eloquent was Erasmus. But like the new race of adventurers and their followers, Vives saw that geography had a wide and new significance. To him it implied the study of animals, plants, herbs, the agricultural sciences. It implied really useful acquaintance with all the wonders of the new lands, and also a knowledge of the countries and districts near at hand. As became a native of Valencia, for instance, he laid considerable stress on the variety of fishes to be observed. But ‘ if a philosopher,’ says Vives, ‘ was to conduct a controversy

<sup>1</sup> See p. 73 *infra*, where is shown the friendly relation of Vives and Santangel.

on fish, the subject is so vast, we should need the provision of beds, so as to sleep here the night.' <sup>1</sup>

Vives gave expression to this need of the introduction of modern geography into the educational curriculum. After advocating, like all the Renaissance educationists, the teaching of ancient geography by reading Strabo, and the study of Ptolemy's maps (if the student 'can obtain a corrected<sup>2</sup> edition,' adds Vives), he, exceptionally amongst Renaissance educationists, says, 'Let him add the discoveries of our countrymen (i.e. of the Iberian peninsula) on the borders of the East and the West.' <sup>3</sup> How the Valencian Luis Vives really entered into the significance of these new geographical discoveries may best be shown by a quotation of his dedicatory address of the *de Tradendis Disciplinis* to King John III 'the renowned King of Portugal and Algarve, Lord of Guinea, etc.' After his courageous manner, Luis Vives warns John III that he will have to 'exercise the greatest watchfulness and care to maintain his heritage, a task expected from him.' But Vives declares it is his duty, further, 'to transmit the achievements of thy predecessors on a larger and yet more splendid scale to thy posterity. Thy progenitors dared to set out from Portugal to explore new seas, new lands, new and unknown climes. First, they overthrew the Arabs and took possession of the Atlantic Ocean. They were carried away beyond the paths of the Sun (i.e. the Equator) and having traversed the Southern Sea, south of Ethiopia, they penetrated to the territory opposite to us; hence to the Red Sea, and even up to the entrance of the Persian Gulf, where they erected forti-

<sup>1</sup> He speaks with the remembrance of the coast near Valencia, which quickens what we may call his descriptive natural history and geography. It is true he quotes ancient authors. 'Oppianus, a countryman of Dioscorides, writes on the fishes of every country.' But he goes on to say: 'In this part of nature-study we are extremely ignorant, for Nature has been almost incredibly prodigal in the supply of fishes, and in the naming of them there is a corresponding prodigality of differences. In every region of the sea, on every coast, are found varieties differing in shape and form. There is a difference in the local names given to fishes by the various towns and cities which are quite near each other and whose inhabitants speak the same language' (*de Tradendis Disciplinis*, Bk. IV, cap. 1).

<sup>2</sup> Here we see the progressive proviso.

<sup>3</sup> *de Tradendis Disciplinis*, Bk. IV, cap. 1. In his *Colloquia* in No. xii *Domus*, the architect (Vitruvius by name) is represented as placing in the hall of the house 'a plan of the earth and sea. There you have the world newly discovered by Spanish navigations.'

fications. Then they travelled north of the mouth of the Indus, and established their authority over the fierce and blessed shores of all India.

‘They have shown us the paths of the heaven and the sea, before not even known by name. They have also discovered peoples and nations who perform marvellous religious rites and are in a state of barbarism, though possessing wealth on which our people so keenly cast their affections. *The whole globe is opened up to the human race*, so that no one is so ignorant of events as to think that the wanderings of the ancients, whose fame reached to heaven, are to be compared with the journeys of these travellers, either in the magnitude of their journeyings, or in the difficulties met with in their routes, or in their accounts of unheard-of conditions of life of the various nations who give us a rude shock by their differences from us in appearance, habit and custom.’

But Luis Vives’ appreciation of the wonderful discoveries in the New World (far beyond the old seven Wonders of the World) was not merely the insight into the revolution of geographical science. The *Orbis visibilis* was enormously enlarged, but what is not always realised is, that the new conception changed the interpretations of the whole old world of space as hitherto known. And if this is true of the world of space, it is equally true of the world of time. Luis Vives transferred the idea of the geographical New World across the ocean, to an intellectual New World, which should develop in a line of continuity to the best and ripest thought of the Old World of antiquity, in time. His *de Disciplinis* is divided into two parts. The first is called the *de Causis Corruptarum Artium*, and is a serious investigation into the decadence which had fallen on the world since the Great Ages of Antiquity, and contains the soul-stirring appeal to go back to the heights reached in the past and to proceed from the intellectual results of the ancients into *a yet nobler and more magnificent future, not dreamt of even by them*, urged onwards intellectually, as the discoverers had been urged physically, by that desire to dare all so as to add the unknown to the territory of the known, and raise knowledge and truth to still higher levels. Luis Vives sees glimpses of the law of evolution in physics, and of unity and continuity in history. With an iconoclasm startling in a man of such gentleness, he ruthlessly destroys the idea of intellectual stagnation, and lifts a prophet’s hand against contentment with

intellectual decadence, though it had lasted for hundreds of years. We must recognise that even in the past Aristotle did not absorb all the world of truth, any more than the old world of Europe and the East absorbed all the wonders of the new West.

Vives, in short, is a new Columbus ready to turn westwards in the things of the mind.<sup>1</sup> His reverence for Aristotle is profound, like that of Ben Jonson for Shakespeare, but bounded in its height and width, 'on this side idolatry,' safe within the stronghold of reason.

Luis Vives' *Apologia*, and at the same time *Manifesto* for freedom of intellectual inquiry, claims the right of the intellectual man to sail at his own risk and responsibility on the sea of thought without fastening himself on the standardised *dicta* and pronouncements of the ancients.

These views of Luis Vives need to be quoted at length. They are not sufficiently known, and yet they mark more clearly than perhaps any statements from the most distinguished of the other Renaissance scholars and writers, the transition from the mediaeval to the modern point of view.

'I have always held that we must render the ancients our warmest thanks, for not withholding from us their successors the results of their study and industry. If they have been mistaken in any matter we must excuse it as error due to that frailty which is part of the human lot. Moreover, it is far more profitable for learning to form a critical judgment on the writings of the great authors than to merely acquiesce in their authority and to receive everything on trust from others, provided that in forming judgments we are all far removed from those pests of criticism, envy, bitterness, overhaste, impudence and scurrilous wit.'

#### THE NEW WORLD AND ITS QUICKENING OF THOUGHT

We remember that Luis Vives, in the geography of the physical, is prepared to recommend the consideration of the maps of Ptolemy, but the student must get a corrected edition 'and add the discoveries of our countrymen.' So with the

<sup>1</sup> Vives is modest in spite of all his determined firmness. He says, 'I must confess that I have often been ashamed at what I have ventured to undertake, and I condemn my own self-confidence, in thinking that I should dare to attack authors consecrated by their eminence through the centuries. Especially is this so in connection with Aristotle, for whose mind, for whose industry, carefulness, judgment in human acts, I have an admiration and respect unique above all others.' J. L. Vives: Preface to *de Disciplinis*.

maps of the mind. Is it not the same spirit which calls for the study of not merely standardised stagnant authorities, but also for consultation of the old authorities as corrected by progressive critical judgment?

The penetration of the New-World consciousness in Luis Vives might be traced in apparently indirect small details as well as in broader outlines. Thus, it may seem a very small circumstance that he should use the word 'exploratio' in the passage (*de Tradendis Disciplinis*, Bk. IV, cap. 6) on the subject of Dietetics: 'sed indubie prima inventio divinae fuit opis, non in homine minus quàm in mutis animantibus; perisset profecto maxima humani generis pars, priusquam ad explorationem pervenisset hujus observationis.' This stress on *exploratio*<sup>1</sup> and *observatio* and contrast with *inventio* brings to mind the similar but later attitude of Francis Bacon. The merit of Francis Bacon is described by Albert Schweigler to be that he established the principle of a thinking *exploration of nature*. The whole of these terms, discoveries, explorations, observations, etc., received intensification in the writings of those who applied themselves to geographical and navigational, and the consequential, subject-matter.

To illustrate Vives' direct allusions to the New World, he says in an argument on the blessings of international peace: <sup>2</sup>

'Spanish sailors relate that there are islands in that New World <sup>3</sup> (*in novo isto Orbe*) which they have discovered, and that when these aboriginal islanders have fallen into a state of war, the leader who initiates peace is held in the highest honour, and he is regarded as twice a criminal (and a common enemy) to all, who refuses peace when sought.'

How Vives combines this Spanish readiness to contemplate

<sup>1</sup> Compare in Vives' *Christi Jesu Triumphus* (*Vivis Opera omnia* VII, p. 111) 'illius ingenium pernoscere, ac animum totum intus, ut aiunt, et in cute explorare.'

<sup>2</sup> In a letter to the Bishop of Lincoln, 8 July, 1524, written from Bruges, 1524.

<sup>3</sup> It is an interesting question to inquire: When did Vives acquire this attitude of toleration towards and respect for West Indian islanders? Notwithstanding his desire, strong as that of Ramon Lull, his Catalanian predecessor, it seems reasonable to suggest that the truce-like relationship of Christians and Moslems, side by side in his native Valencia, had made such a *rapprochement* of sympathy towards the trans-Atlantic natives more of human intuition of the inclusiveness of love of his fellow-men, in spite of racial and circumstantial differences, than was the case with some other 'humanists.'

the new discoveries with the spirit of the old Valencian *schola domestica* is seen in his remarks on the above trans-Atlantic story.

‘What use is our literature?’ he asks, ‘our humanities? our numerous arts of life? our advanced education? the rule even (which we accept) of the omnipotent God? when, in the midst of these achievements, we incur the most reproachful judgments of the natural man. These crude and barbarous peoples, without literary or other culture or piety, have been taught true and sane opinions by a direct and pure nature, whilst the evil (war) practices of our nations have been driven into us by those inexhaustible vices unknown to these islanders, Ambition and Avarice.’

#### EAST AND WEST: MUTUAL UNDERSTANDING

Luis Vives showed the brave spirit of his father and his noble ancestors in the courage with which he thus addressed John Longland, bishop of Lincoln, one of the leaders of the English Court, under an absolute Tudor monarch, and condemns war, in the light of a new-world island of savages. It is this attitude which differentiates him from contemporary scholars.

Vives, as a good Valencian, wished to help the Moors of his city and the Moors generally. His views on linguistic education are, apparently, unique in the age of Erasmus. As we shall see, he considers that the vernacular should be known by all as thoroughly as possible. But Luis Vives, as a direct consequence of Valencian early experience, urges nearly a quarter of a century after leaving Valencia, ‘Would that the Agareni (that is, the Moslems) and we, that is Christians, had some language in common.<sup>1</sup> I believe that in a short time many of them would cast in their lot with us (that is, become Christians). . . .’ ‘Earnestly would I wish,’ adds Vives, ‘that in most countries, schools for languages should be established not only for Latin, Greek, Hebrew, but also of Arabic, and of those languages which may be the *vernaculars* of Saracens and Moors, which men of no easy-going kind should teach, not for the sake of the glory thence to be snatched, and for applause, but men most ardent in the zeal of piety, prepared to spend their lives for Christ that, through their instruction, Christ should be proclaimed to those nations who have learned very little, or almost nothing of Him.’<sup>2</sup>

<sup>1</sup> Of course, Vives was not the first to advocate educational and cultural *rapprochement* with the Moslems. Ramon Lull (1235–1315) had preceded him with the conviction of a martyr for the Christian faith. Ramon Lull, of course, also was a Catalan.

<sup>2</sup> *de Tradendis Disciplinis*, Bk. III, cap. 1.

The above passage is characteristic of Luis Vives as it is *not* characteristic of Erasmus and his other humanist contemporaries. Luis Vives is deeply religious. Moreover, he was emphatically a Catholic,<sup>1</sup> but as has been said aptly, though a Catholic he is rather Johannine than Pauline. He loves his fellow-men, whether they are Moslems or American aborigines. He is tolerant to all vernaculars. This does not hinder him from advocating the study of Latin. 'I would wish the Latin language to be known thoroughly, for this is a benefit to society and to the knowledge of all the sciences. It is wrong not to cultivate it and not to be able to converse with others in it since, as S. Augustine says, everyone would prefer to converse with his dog than with a man of an unknown tongue.' So Latin, for various reasons, should rightly be a second language for all.<sup>2</sup>

#### VIVES AND MOSLEMS

In all these views we can find a background in Luis Vives' Valencian training. The *schola domestica* supplied him with the conviction of the value of the vernacular, his life amongst bilingual people gave him the impulse towards (whilst his religious promptings intensified) his good-will towards men differing in language from himself, for he daily had seen and met Moslems in the streets and public places of Valencia and the variety of life-experience and association with lawyers and physicians in his Valencian home trained in him a certain open-mindedness and toleration (within limits, it might be) for others who differed from him.

#### VIVES AS A STUDENT AT PARIS

##### *The Spanish Scholars at Paris.*

When Luis Vives went to Paris in 1509 Paris was, and had been for many years, a great centre for Spaniards to go for study,

<sup>1</sup> He said (in the *de Veritate Fidei Christianae*): 'I declare I submit myself always to the judgment of the Church, even if it appears to me to be in opposition to the strongest grounds of reason. For I may be in error, but the Church never is mistaken on matters of belief.'

<sup>2</sup> The common prejudice, even of scholars of the period, against learning Hebrew is held by Vives in a modified form. He would allow the student to learn Hebrew for the study of the Old Testament 'if he can acquire it without being corrupted. I hear that many things have been falsified in Hebrew writings by Jews, partly through their hatred of Christ, partly through inertia, since these people so often change their abodes and have not leisure to bestow due labour on literature. Certainly if you consult two Jews as to the same passage, rarely do they agree.'

to get into the current of the scholarship which prevailed in so many parts of Europe, disseminated from the University of Paris as a centre. At this time Paris had received, as Bonilla y San Martín points out, a considerable number of Spanish scholars. At the Collège de Ste Barbara was Juan de Celaya, a Valencian by birth. The Coronels from Segovia were at the Collège de Montaigu (Erasmus's old College). Juan Dolz de Castella was at the Collège de Lyons. And at the Collège de Beauvais was Fernando de Enzinas, from Valladolid. We gather that Luis Vives was soon in touch with the Spanish contingent, though it is not quite clear to which college Luis himself belonged. Vanden Bussche, the Bruges archivist, whose opinion we must always respect, is of opinion that he was attached to the Collège de Beauvais. Bonilla thinks he was a student of the Collège de Navarre—a favourite College for Spaniards.

The candour of Luis Vives, coming to Paris with the freshness of youth (seventeen years of age) and then with ten intervening years of study and thought at Paris, led him in 1519 to declare his judgment on his Spanish contemporaries in these terms :

‘The majority of learned men threw the whole blame for the Parisian obscurantism on the *Spaniards* who are in the University. They, like unconquered men, bravely defend the fortress (unfortunately in this case) of ignorance. Wherever their great brains are bent they wax strong, and hand themselves over to even these absurdities (that is, of ceaseless disputations). They show themselves *the best* in them, if indeed, in such a base and despicable matter, anyone can be “of the best.” So it is said of them they are the least deserving in the University of Paris. Those who write of the disreputable state of academic teaching at Paris (1519) condense the description into a proverb : *Parisiis doceri juventutem nihil scire, atque adeo insane et loquacissime delirari.*’

Some of the Paris studies, he says, are worthless, and even the solid studies, or those which might be such, are treated in Paris with the merest trifling. In his indignation Luis Vives pronounces—

‘The Spaniards <sup>1</sup> and their followers either ought to be compelled

<sup>1</sup> In a letter to Erasmus (Bruges, 4 June, 1520) Vives modifies somewhat his adverse criticism of Spanish students at Paris : ‘There are Spaniards who by their example bring a great impetus to the *res meliores*.’ He instances John Poblacio, Francisco Mallus, Gabriel Aquilinus, John Enzinas, and Martinus Lusitanus ‘propinquus sui Regis’ (Manoel I). See P. S. Allen, *Letters of Erasmus*, IV, pp. 271–2.

to give themselves up to other and better studies, or by public edict they ought to be expelled as corrupters of morals and of erudition.'

Leniently, he concludes it is not the fault of the French, but of 'you and me' (he is addressing John Fortis),<sup>1</sup> 'if we do not advise better subjects and ways of study.' Luis Vives avers he is sorry to have to admit that the charge of intellectual obscurantism against his countrymen is true, but for that very reason there is a certain fitness (of irony) that he, a Spaniard himself, should protest against his fellow-countrymen, and against *his former self*. Thus between 1509 and 1519 the great change had come over Luis Vives. He had passed over from the Middle Ages, and entered the New World of intellectual outlook as effectively as Christopher Columbus previously had crossed the Atlantic, with all the consequences of that crossing.

There are two aspects which disclose the change—the literary 'conversion' of Luis Vives. Let us then catch a glimpse of him as a student at a students' supper-party—and, then, listen to his torrent of eloquence when, in the *In-Pseudo-dialecticos* of 1519, he comes out of what he himself calls the 'Cimmerian darkness' of the old disputacious futilities of threadbare Scholasticism. We cannot but inquire: How did this intellectual revolution come about?

*Luis Vives and a Spanish Festal Symposium Party  
at Paris.*

The Spaniards at Paris foregathered especially on festal days.<sup>2</sup> 'Everywhere,' says Luis Vives, 'the festal day of the Resurrection is celebrated as completely as possible, because on that day, Jesus rising from the dead, accomplished the work of redemption, and made us all partakers of immortal life. Therefore, after all of us students had first given our minds to sacred devotions, John Fortis, my study-companion (*contubernalis meus*) and

<sup>1</sup> This John Fortis (Furtes) was a Spanish student contemporary with Vives at Paris. See p. 73 n.

<sup>2</sup> M. Quicherat, in a note on *fêtes* among the University students at Paris, says: 'Les fêtes, quoique infiniment nombreuses, n'avaient pas sur les études l'effets désastreux qu'elles produisent aujourd'hui.' The greater part of them were passed in exercises of devotion and in *leçons d'agrément* in subjects outside of the University programme, and the others, which brought for a moment the complete emancipation of the scholar, made him free but did not necessarily lead to any disgraceful waste of energy.

Peter Iborra, exceedingly keen lovers of knowledge, agreed that we would read and study in the same church for the afternoon, over and above our sacred devotions.<sup>1</sup> When we had carried out all this arrangement we took a walk through the city and met Gaspar Lax, of Sariñena, our tutor, in the vestibule of the School, a man of the most piercing intellect, combined with a very retentive memory. After we had duly greeted him, and he had returned our greeting (for he is most scrupulous in his consideration for others), he asked us : " Would we like to go and have supper with him," an invitation which we were delighted to accept. At his encouragement, we then followed him. When we reached his lodging, there also had arrived two of my fellow-Valencians, viz. Miguel de San Angel (Santangel) and Francisco Cristóbal.' These men brought with them a Book of Hours (*horarium*) to show to Lax. This book was most beautifully illuminated with miniature hand-paintings. Lax invited the Valencian students to stay for supper. They accepted the invitation and sat down also to the meal. Whilst it was in progress, Vives from time to time kept examining the Book of Hours, and the conversation turned upon the subject of the miniatures. Luis Vives remarked : ' Here is depicted the Triumph of the Dictator Caesar.' Lax interposed : ' How much more excellent it would have been if the subject had been Christ, who is indeed our Optimus Maximus, instead of Caius Caesar, who was by no means a good man.' The company wondered that Lax used the term ' Triumph ' of Christ and Vives asked him to explain this application of the term. ' Stop awhile,' said he, ' your eating, and give all your minds to me ' Then he began his explanation.

Thus Luis opens his *Christi Jesu Triumphus*, the first book he wrote. The ' occasio ' of the dialogue is similar to the famous *Symposia* of the ancients, to those in Sir Thomas More's garden at Chelsea in England, to the gatherings in the villas below Fiesole of Italian humanists, or those in the ducal courts of Urbino or Mantua. The resemblance is sufficient to indicate that Luis Vives had entered (perhaps it may be said, dimly) into the atmosphere of the Italian Renaissance, but the differences are more striking than the superficial resemblance. Instead of the noble banquets of the

<sup>1</sup> John Fortis (Fuertes or Furtes) of Aragon was a student in Paris, under John Dolz of Aragon. Evidently Vives kept up a strong friendship with him, dedicating an edition of Hyginus (March 31, 1514) to him and the *In-Pseudo-dialecticos* in 1519.

Medici we are taken into the humble 'cubiculum' of Gaspar Lax, the Aragon tutor of the Valencian Luis Vives. Instead of princes or nobles, we enter the presence of young Valencian students at Paris, Miguel de Santangel, Francisco Cristóbal and Vives, these Valencians and a further Spaniard Pedro Iborra of Aragon with the teacher, Gaspar Lax of Sariñena, in Aragon, all of Spanish origin. The gathering and its proceedings have their special significance: instead of the glorification of the Pagan background this little Parisian gathering of Spanish students (as it were, in an 'upper room') is Christian, almost primitive Christian in its essence, glorying in the Prince of Peace, in place of the Emperor of War. The great thesis of Vives' first book<sup>1</sup> is that, in the great Revival of Letters, all literary activity should be placed at the service of Christ, not, as in the literary outbursts elsewhere, in the service of the glorification of classical and pagan heroes, and of men of self-seeking ambitions.

Vives gives the 'oration' of Lax and of each of the guests. Lax speaks on the victories of Christ; Santangel on Christ as *Pater Patriae*; John Fuertes on the crowns due to Christ. Francisco Cristóbal turns to the subject of the *Ovatio Virginis Dei Parentis*. He is followed by Pedro Iborra on the same subject. 'Siso'—the speaker specially addressing Luis Vives—'was formerly your teacher in grammar in the new school at Valencia.' Siso apparently had intervened in some boyish discussion between Iborra and Parthenius Tovar, and we are told the details. On one occasion, much was being said in praise of Pollux and Castor, with great eloquence their feats were extolled, confirmed by an appeal to the ancient writers Titus Livius, Trogus, Plutarch, etc. Daniel Siso, however, rather quoted Dioscorides, '*daemonum prestigiae illae erant.*' Proceeding, Siso the schoolmaster told the boys that there was a greater, nobler Hero,—'I think in sound truth that our real Castor and our real Pollux are our Christ and His Mother who are our greatest supporters in our perennial war, standing by us, lest we should fall to pieces. For who would have strength to stand up against Satan, unless the hands of these Protectors should be stretched forward to our help?'

Thus we find the origin of Vives' views on the symbolical interpretation of classical legends into terms of Christian life, in its strife and struggles, in its battles, fights, victory, crowns,

<sup>1</sup> The title is *Christi Jesu Triumphus*. The date 1514.

and triumphs—so characteristic of Vives, in endeavouring to transmute the essence of classical story into symbolism of transcendent Christian epic in protest against the Italian paganism of the Renaissance.

The idea of this method of treatment by Vives is thus definitely to be traced to a Valencian source,<sup>1</sup> viz. the memory of suggestions made in the school in Valencia, by the schoolmaster, Daniel Siso. And the authority for this statement is Luis Vives himself in his *Christi Jesu Triumphus*.

*Luis Vives and the Spanish Primate-designate.*

When Vives left Paris and his Spanish friends in residence there he seems to have settled in Bruges in 1514. Bruges, we remember, was to him a second Valencia. M. Emile Vanden Bussche points out that there were numerous compatriots of Vives, who carried on a brisk trade with Spain. At Bruges he taught the little eight-year-old child of the Valdauras, whom in 1524 he married. The Valdaura family, as already mentioned, originally came from Valencia.

In 1516 Vives was at Louvain—and there we know he associated with certain Spaniards: Honorato Juan, Pedro Maluenda, Diego Gracián de Alderate, Antonio de Berges, Juan Vergara and Jerónimo Ruffald. We must not omit to notice another connexion of Vives with Spaniards whilst at Louvain. He became, probably in 1516, the tutor of the young Guillaume de Croy, at that time eighteen years of age, and already appointed Bishop of Cambrai. This young nobleman was the nephew of the Duke of Chièvres, the well-known minister of Charles V. By his uncle's influence, de Croy was, in 1517, in the time of Pope Leo X, nominated Cardinal and Archbishop of Toledo, Primate of Spain. There is a picturesque account of the ceremony in which the Papal Legate brought the young Cardinal his credentials and offered him congratulations, delivering an address couched in eloquent

<sup>1</sup> Gregory Mayans says of the *Christi Triumphus*: 'Haec Dialogi more refert Vives, sive vera, sive ficta, sive partim vera, partim ficta; subjungit que tres Orationes, sive Declamationes, quibus Christi Triumphum depinxit, quarum unam composuit Vives nomine Gasparis Laxis, alteram Michæelis Sancti Angeli, et tertiam Joannes Fortis, easque dedicavit amplissimo Patri Bernardo Mensae, Antistiti Helnensi Parisiis, mense Aprili MDXIV.' In any case we get in this first little work glimpses of Valencians, and our only description of the Valencian school, and we see the trend of Vives' views, when he first turned away from the academic programmes.

language<sup>1</sup> in the Cathedral of Middleburg. Appropriately the Legate was the Spanish Cardinal Luis of Aragon, who was accompanied by the Bishop of Córdoba and Badajoz and 'many señors and gentlemen of Spain and Italy.' The Emperor, Charles V, was present.

In 1523 Luis Vives went to England,<sup>2</sup> partly spending his time lecturing in the University of Oxford at Corpus Christi College, and partly at the Royal Court at Richmond and at Greenwich. It is noteworthy that Vives' residence in England was at the very time that the Spanish atmosphere and influence in the English Court was more prominent than at any time, before or since, owing to the presence of Catharine of Aragon, the wife of Henry VIII, who never lost her love of Spain and things Spanish. Vives, therefore, was in congenial surroundings in the Court,<sup>3</sup> and there was nothing to hinder the fullest disclosure and development of his Valencian characteristics and colouring of personality and ideas.

Vives left England, never to return, in 1528. From that date to 1540, in which he died, he lived chiefly in Flanders, and he continued to keep in contact with Spaniards. How deeply Spanish life, customs and surroundings were settled in the background of his mind is best illustrated by his remarkable *Linguae Latinae Exercitatio*, a series of schoolboy Dialogues or *Colloquia* published at Breda in 1538. This book, published nearly thirty years after Luis Vives left Valencia, contains numerous references, direct and indirect, to that city. One of the Dialogues<sup>4</sup> specially concerns itself with Valencia. The Interlocutors Borgia, Scintilla, and Cabanillius take a walk through the streets of Valencia. Quarters and streets are named. In his intimate way he puts into the mouth of Scintilla :

<sup>1</sup> D. José Pin y Soler suggests that the appropriate ideas, in good style, of the Latin answer were probably inspired by Vives and that the tutor would probably be present with his distinguished pupil.

<sup>2</sup> de Croy died at Louvain at the age of twenty-three years. Vives' letters are full of grief for the death of the young Cardinal, and together with over-work at the *Commentaries on S. Augustine's Civitas Dei* he fell into serious illness. It was at this time he was nursed 'amongst my Spanish countrymen.' On recuperating, he received the invitations to England; to Oxford and London.

<sup>3</sup> See Foster Watson : *Les Relations de Joan Lluís Vives amb el Anglesos i amb l'Angleterra* (Barcelona, 1918), in which a full account is given of the Spanish element in Queen Catharine's household and Court.

<sup>4</sup> No. XXII.

‘Let us go into the Quarter of the *Tabernae gallinaceae*.<sup>1</sup> For in that Quarter I should like to see the house in which my Vives was born. It is situated, as I have heard, to the left as we descend, quite at the end of the Quarter. I will take the opportunity to call upon his sister.’

This *Linguae Latinae Exercitatio* abounds in references based on the early Valencian memories of Vives, and in this respect differentiates Vives from other Renaissance humanists. Two hundred years ago Dr. Coret called him *el grande Valenciano*, and Dr. Gregory Mayans i Siscar was irresistibly drawn in his great edition to add to his name *Valentinus*. The *genius loci*, with which Vives brings the European schoolboy (for the *Colloquia* of Vives circulated in all Latin-learning countries) into a knowledge and recognition of Valencia, may be shown by such a passage as the following (from this same Dialogue XXII). Scintilla leads his friends by the Plaza de los Penarroches, the Cerrajeros (el carrer de Mañans) by the Confiteros into the Plaza de la Fruta.

Borgia suggests: Por què antes bien no à la de las verzas? Scintilla:

‘Todo es uno: los que gustan mas de verzas llámle vercería; los que de la fruta, frutería. What a spaciousness there is of the market, what a multitude of sellers and of things exposed for sale! What a scent of fruit! What variety, cleanliness, and brightness! Gardens could hardly be thought to contain fruit equal to the supply of what is in this market. What skill and diligence our Fiel mayor<sup>2</sup> and his ministers show so that no buyer shall be deceived by fraud. Is not he who is riding on his mule Honorato Juan?’

One of the persons of Valencia mentioned by Vives in the *Exercitatio* is la Marquesa Zenete, niece of the Spanish Cardinal Mendoza. She was born in 1509, daughter of Don Rodrigo de Mendoza, brother of Don Diego Hurtado de Mendoza. She married Henry, Count of Nassau. Vives had spoken of her as a girl,<sup>3</sup> in the *de Institutione Feminae Christianae* (1523). It was in the house of

<sup>1</sup> Calle de la Taberna del Gallo. The numerous places and associations in Valencia (so well remembered by Luis Vives in his last years in Flanders when writing these *Colloquia*) were identified and named in an edition of the *Colloquia* by Dr. Christoval Coret, Professor of Eloquence en la Santa Metropolitana de Valencia over two hundred years ago. Dr. Coret's edition contained a translation into Spanish and included a recommendation from the enthusiastic editor of the sumptuous eight-volume *Opera Omnia Vivis*, D. Gregory Mayans y Siscar.

<sup>2</sup> Llamate comunmente *Almotacen* (Coret's note).

<sup>3</sup> He says: ‘I see Mencía Mendoza growing up. I hope she will become distinguished some day.’

Mencia de Mendoza, at Breda, in Brabant, after she had become a widow, that Vives found a shelter during the years 1537-8.

Thus after leaving Valencia, in the University of Paris, he associated intimately with Spaniards. During his residence at Bruges, he found his second Valencia. In England, at the Court, he found around Catharine of Aragon a Spanish household. In Flanders his wife Margaret Valdaura was of Valencian ancestors—and in two of the latest years he was tutor to Mencia de Mendoza, a Valencian by birth. The details can be filled in—but in broad outline Vives was remarkable in his later life for his Spanish associates and in his continuous friendship to his native citizens and Valencians.

This deep attachment to Spain and to Valencia was of importance, we have seen, in determining his religious outlook on life—and in imparting to his whole educational system the background of the *schola domestica*, the love of a sound home-life, and of mankind as one large family. The basal idea of the Academy in Vives is the unity of all life as an education. He would have children, youth, mature adults and old men <sup>1</sup> all share in a unified spirit of religion, pedagogic instruction, and of the practical experience of life. All life is an education.

*Vives comes out from the 'Cimmerian darkness' of  
the Paris Schools.*

Let us consider, first, how Vives enlarged the concept of education, intensively. It cannot, of course, be said that Vives was the first iconoclast in the shattering of the Parisian obsessions of disputational hair-splitting and blind reliance on tradition, of appeals to inferences from Aristotle, or of the attitude of direct appeal to *verba ipsissima* of glossators, commentators, of the use of unwarranted and false Latin as the medium of expressing thought, and its utter irrelevance to fresh and determined search for truth.<sup>2</sup>

<sup>1</sup> 'This is a true academy, viz. an association and harmony of men equally good and learned, met together to confer the same blessings on all those who come there for the sake of learning. . . . Thus to a school of the right kind, not only boys should be brought, but even old men, driven hither and thither in a great tempest of ignorance and vice, should betake themselves to it as it were to a haven.' This *rapprochement* of the idea of life and education logically led Vives to the inclusion of girls and women into the scope of education. But the inclusion of youth and the old, and of girls and women, was an enlargement of the *schola domestica* to an indefinitely intensive and extensive concept.

<sup>2</sup> 'Truth,' says Luis Vives, 'is open to all.' But this is opposed to mediaeval conceptions, governed by the idea of authority. He asks,

Erasmus, of course, in his *Encomium Moriae* had, at a stroke, developed satire into its bitterest sting against the established mediaeval types of study. At Paris, Luis Vives was taught by the Flemish John Dullard and by the Spanish Gaspar Lax. Dullard plainly advised Luis that the new literary studies based on a knowledge of grammar rather than logic were misleading: *Quanto eris melior grammaticus, tanto peior dialecticus et theologus*.<sup>1</sup> Accordingly the young Valencian imbibed the orthodox scholasticism and became proficient in all the Parisian conservative studies.<sup>2</sup> Erasmus said that 'no man was better fitted than Vives to utterly overwhelm the battalions of the dialecticians,' for he had been thoroughly trained in the discipline. The schools and colleges had trained boys and young men in wordy disputes. 'When a boy,' said Vives, 'has been brought to the school at once he is required to dispute, immediately he is taught to wrangle, though as yet unable to talk. The same practice is pursued in Grammar, in the Poets, in History, as in Dialectic and Rhetoric, and in every subject. Someone may wonder how the most apparent, simple, rudimentary matters can be susceptible of argument. . . . But beginners are accustomed never to be silent. . . . Nor does one disputation or two a day suffice as with eating. At breakfast they wrangle. After breakfast they wrangle. At supper they wrangle, after supper they wrangle. . . . At meals, at the bath, in the sweating-room, in the temple, in the city, in the country, in public, in private, in every place, at every time they wrangle.'

It was from Louvain, in 1519, Luis Vives dispatched his *In-Pseudo-dialecticos* in the form of a letter to John Fortis whom we remember as one of the little Symposium-group at the *cubiculum* of Gaspar Lax when the *Christi Jesu Triumphus* was so valiantly maintained as against the glorification of the Roman Caesar. Fortis, also a Spaniard, we remember as a pupil of in his Preface to the *de Tradendis Disciplinis*, pardon for errors to be found in an undertaking 'so new' in its scope. The Preface is a valiant appeal for 'the open mind.'

<sup>1</sup> *de Causis Corruptarum Artium*, Bk. II (Opera 1782-90), Vol. VI, p. 86.

<sup>2</sup> The chief books studied at Paris were the *Catholicon* of Johannes de Janua, the *Vocabularium* of Hugotio or of Papias, the *Mammetractus* of Giovanni Marchesini, the *Floretus* or *Cornutus* of Johannes de Garlandia, the *Doctrinale* of Alexander de Villa Dei, the *Graecismus* of Eberhard of Bethune, the *Legenda Aurea Sanctorum* of Jacobus de Voragine, the *Specula* of Vincent of Beauvais, the *Summulae* of Peter Hispanus and of Paul Venetus.

John Dolz of Aragon. It was in this treatise Luis Vives describes the 'Cimmerian darkness' of academic Parisian scholasticism from which he had escaped.

Into the old mediaeval Aristotelian scholasticism there had been imported a considerable measure of the commentaries of Avicenna, Averroes, and other Moslem writers. Against these writers, already the Italian Laurentius Valla had written with all the vigour of an impetuous pioneer, and Luis Vives, as a Valencian Christian, followed up the attack with eager conviction and with the zeal of one conversant with Moslem shortcomings.

The Arabic Aristotelianism was necessarily faulty. The grammatical difficulties in the transmission of their treasures to the Western World were enormous, and entirely altered the freshness of view which could only come by the deepest critical study of the writings of Aristotle in the original Greek. To make confusion worse confounded, grammar was based on metaphysic, and Duns Scotus and Thomas Aquinas were bent upon theology, and not good letters. Later, Peter Hispanus and other scholastic writers darkened counsels until 'ragged notions and babblements,' as the English John Milton expressed it, left youth, after years of study, only an 'asinine feast of sow thistles and brambles.'

Vives proposes, following up his sound diagnosis of an educationist, the abandonment of dialectic from early training. He points out that we cannot penetrate into 'inner mysteries' except through first realising external things, and then language study must bring thought and expression into unison. Like the Delphic oracle, academic language obscures perception. The syllogisms, oppositions, conjunctions, disjunctions, enunciations and the rest are like the riddles which absorb schoolboys and old women. Their so-called Latin is a jargon of which Cicero (if he should rise from the dead) would understand nothing. Logic is only an instrument for testing formal truth, not for finding natural truth. What should we think of a painter who should spend all his time in merely preparing his instruments, e.g. his brushes and pigments, or the cobbler in preparing his needles, awls and knives? But even if the logic were good logic, and if intelligible and exact language were always employed, such an expenditure of time devoted to its educational practice would be intolerable. How utterly perverse, then, is it to tolerate the confused babbling which has corrupted every branch of knowledge in the name of logic? With regard to the necessary

reformation in language teaching, Vives asks: What speech is academic dialectic? Is it in French, in Spanish, in Gothic, or in the language of the Vandals? Certainly it is not in Latin. If scholastic verbal follies were capable of being stated in a language intelligible to the crowd, the whole host of working men would hoot with hisses and clamour these so-called scholars and turn them out of the city as bereft of their wits or at least as wanting in common sense. The language of discussion, in short, instead of using corrupt Latin, must be ordinarily based upon the vernacular. We have seen how Luis Vives based this view upon the history and practice of Valencia. 'All arts or branches of knowledge receive their speech from the people.' How did Luis Vives come to realise that point of view? He had watched the people of Valencia. In a letter<sup>1</sup> of Vives congratulating Everard de la Marck, Bishop of Liège, on his promotion to the Archbishopric of Valencia, Vives affectionately describes the Valencians: 'The multitude of that people is by nature joyous, alert, facile.' And as to the speech of the people, he says elsewhere, we ought to welcome a good sentence expressed in *French* or *Spanish*, whilst we should not countenance corrupt Latin.

It is noteworthy that Luis Vives does not rest content with attacking mediaeval scholasticism and its attendant barbarous Latinity. He is a knight-errant in fighting abuses, but he does not settle himself into a merely destructive and negative attitude.

He is essentially constructive. His advocacy of the study of the vernacular and of other contemporary languages, or as we say, of modern languages, is, for his times, extraordinarily progressive. But interested as he is in adequate resources and facility of expression, he sees that there is a prior question, viz. the all-essential importance of acquiring the knowledge-material on which language is applied. The vital question is: With the acquisition of the power of expression, what are we going to express? It is here that Luis Vives is so specially constructive. He is prepared to suggest a substitute for the old mediaeval abstract, verbal subject-matter of studies. Knowledge must be meaningful, concrete, the outcome of sense-perception.

*What Luis Vives substituted for the old Parisian Scholasticism.*

To Luis Vives the remedy was clear. It is not argumentation which elucidates truth. Knowledge consists in the acquisition

<sup>1</sup> Quoted by the Marquis de Lozoya in his article on Valencia and Vives in *Las Provincias* of 3rd April, 1927.

of material truth. It is the *subject-matter on which observation is brought to bear*,—the investigation, or, to use that word which both Vives and afterwards Francis Bacon liked, the ‘exploration’—of nature. The whole world of sense experience and concentrated thought on it require the enterprise of intellectual voyagers endowed with energy like that which Columbus and his companions exerted in the exploration of the physical world. Luis Vives does not exactly say this in so compact a manner, but this is the tendency of his pronouncements, taking together the *In-Pseudo-dialecticos*, 1519, and the *de Disciplinis* of 1531. He does say definitely, however, like Bacon later, there must be close observation of outward nature. ‘The senses open up the way to all knowledge.’ And in another passage, ‘The senses are our first teachers.’<sup>1</sup> More therefore is necessary than the reform of language-teaching, whether of the ancient Latin and Greek or of the modern French or Spanish. Incisively, Luis Vives declares: <sup>2</sup> ‘It is of no more use to know Latin and Greek than French or Spanish, if the value of the knowledge which can be obtained from the learned languages is left out of the account.’ Interpreted into modern terms, we have in Vives the educational teaching of the need for the development of the vernaculars of the various European countries to meet the need of expression of the new ideas and new development—of the knowledge of nature—with all the new investigation and record of scientific knowledge on one hand, and in the development of national modern literatures on the other. It may be said that in Vives it is only a foregleam of what was coming. But it is worth noting that within a quarter of a century after his death two of the greatest representatives of modern vernacular literature had been born: Miguel de Cervantes in Spain (1547) and William Shakespeare in England (1564). Vives explicitly laid down the psychological method of the acquisition of knowledge: ‘*Ad incognita*,’ he says, ‘*itur per cognita*.’ He explains:

<sup>1</sup> Both these statements occur in the *In-Pseudo-dialecticos*.

<sup>2</sup> Vives regarded Latin as the universal language. But it must be pure Latin. The barbarous grossness of the mediaeval Latin must be radically changed. Vives, therefore, called for a reformation in Latin teaching. So had done before him Laurentius Valla, and so too did Erasmus, who had written his *Anti-Barbari* (not published till 1520, though first drafted many years earlier). Valla had taken the practical step to supplying good and approved modes of exposition in Latin in his *Elegantiae* (1471), as later did Erasmus in his *de Copia Verborum et Rerum* (1511). Vives speaks with appreciation of both these books in his *de Tradendis Disciplinis* (Book III, chaps. vi and ix).

We can only attain the verdict of the mind's judgment by first employing the functions of the senses. Those dialecticians who take the raw boy fresh from his grammar studies and at once plunge him into the *Praedicabilia* and the *Praedicamenta* and the six *Principia* act just as the Germans did when they washed newly born children in the rapid and frigid water, and bathed them out of existence!

And so, nature-studies, which are so concrete, rightly come earlier in education than the mediaeval abstract studies grounded on logic and metaphysics. Children delight to learn about nightingales, the wonderful sky (especially in May and in Southern Europe)—the rich fruit, the scent of flowers. When Luis Vives wrote his *Colloquia* for schoolboys at Breda in Brabant in 1531 we may trace in his words his burning recollections of Valencia before he left it in 1509. Here is a picturesque nature passage which Vives introduces into his Schoolboy Dialogues:

‘Let us go on the green walk, and not take our walk as if in a rush, but slowly and gently. . . .’ [Then the season of spring is described.] One of the interlocutors says:

‘There is no sense which has not a lordly enjoyment! First, the eyes! what varied colours, what clothing of the earth, and trees! what tapestry! what paintings are comparable with this view? . . . Not without truth has the Spanish poet, Juan de Mena, called May the painter of the earth. Then the ear. How delightful to hear the singing of birds, and especially the nightingale. Listen to her as she sings in the thicket from whom, as Pliny says, issues the modulated sound of the completed science of music. . . . Her little ones ponder and listen to the notes, which they imitate. . . . Added to this, there is a sweet scent breathing in from every side, from the meadows, from the crops, and from the trees, even from the fallow land and the neglected fields! Whatsoever you lift to your mouth has its relish, as even from the very air itself, like the earliest and softest honey.’ Vives thus reveals himself as an observer and lover of Nature in a book designed as Latin exercises for schoolboys. ‘The mature man in Brabant returned to the memories of his Valencian boyhood.’<sup>1</sup>

In the letter already mentioned, written to Everard de la Marek,<sup>2</sup> Archbishop-designate of Valencia, Vives expresses with

<sup>1</sup> Foster Watson: *Vives on Education*, p. lii.

<sup>2</sup> In part translated into Spanish by El Marqués de Lozoya (*see* p. 81 n.).

enthusiasm the influence which Valencia exercises on him, long after his departure from it. The district of Valencia, he says, had been that described by Claudian :

*Floribus et roseis formosus Thuria ripis.*

‘So fertile is the country there is scarcely any race of men, or any kind of fruit or vegetable or health-giving herbs which it does not produce, and pour forth in richest measure. It is so beautiful and delightful that there is no season of the year in which both the meadows and abundant trees are not clothed with foliage and painted with flowers, verdure and variety of colours. . . . The charms of Valencia are greater than can, or ought to, be compressed into a letter. I speak of my country,’ he concludes, ‘with a certain restraint, lest my words should support the suspicion that I am boasting.’

Thus Luis Vives is *el gran Valenciano* in his delight in the natural resources and beauty of his native city. This joy in nature is not characteristic of contemporary writers in the Renascence, but it is as fitting as it is irresistible to Vives. It is not a merely aesthetic pleasure either in actual presentation before his sight, nor even in vivid visualisation in memory. In the background of the philosophical equipment of Luis Vives, it has passed into ‘something rich and strange,’ intellectually. It was Luis Vives and not Francis Bacon who, first of the moderns, emphasised the significance of nature-observation and the necessity of sense-cultivation as a basis for intellectual development, educationally.

The adumbrations of modern science by Luis Vives are crude, cruder even than in Francis Bacon,<sup>1</sup> for Vives does not concern himself with the development of the differentiation of nature into categories of analytical abstract separate sciences, but with the synthetic outlook on nature, its realistic, concrete contents, the whole *orbis visibilis* as the basis of the *orbis intellectualis*. It was before the age of telescopes and microscopes. It was before

<sup>1</sup> For a comparative account of the two, see Rudolf Günther : ‘In wie weit hat Ludwig Vives die Ideen Bacos von Verulam vorbereitet?’ (Borna, Leipzig, 1912.) Dr. Günther’s conclusion is : ‘Es ist als sicher anzunehmen, dass Bacon Vives Schriften gekannt und gelesen hat. Er hat wesentliche Gedanken und Anregungen aus den Werken des Spaniers geschöpft, so dass wir diesen mit Fug und Recht als eine wichtige Quelle des Engländer ansehen dürfen’ (p. 67).

the age of the specialisation of scientists in the study of separate highly differentiated sciences. Still, Vives had a point of view, which has not altogether lost its importance. The following passage will show his characteristic treatment of the place of observation, in intellectual training :

‘ We look for the student to be keen in his observation as well as sedulous and diligent, but he must not be obstinate, arrogant, contentious. What is wanted is a certain concentration of observation. So he will observe the nature of things in the heavens, in cloudy and in clear weather, in the plains, on the mountains.<sup>1</sup> Hence he will seek out and get to know many things from those who inhabit those spots. Let him have recourse, for instance, to gardeners, husbandmen, shepherds and hunters, for this is what Pliny and other great authors undoubtedly did. For no one man can possibly make all observations without help in such a multitude and variety of directions. But whether he observes anything himself or hears anyone relating his experience, let him keep not only his eyes and ears intent but his whole mind also, for great and exact concentration is necessary in observing every part of nature, in its seasons and in the essence and strength of each object of Nature.’

This emphasis on observation is far-reaching. Vives not only applies it to the external phenomena of nature. But he brings observation into requisition as the method for use in psychology, thus making psychology an *à posteriori* rather than an *à priori* branch of knowledge. With his usual clear-headedness, and with pioneer-instinct of discovery, after all the mediaeval lack of progress in psychology Vives asserts : ‘ We cannot rightly declare what the soul is in its essence, and as a bare thing place it, as it were before the eyes, but we can set it forth, clothed and as if painted in a picture, in its most apt colours, so that it is seen *in its own actions*.’ The soul itself has not come into the perception of our eyes, but its actions or manifestations in all their fulness are open to the observation of ‘ almost all the senses, internal

<sup>1</sup> In his letter to Everard de la Marck, Luis Vives, in his description of Valencian weather, shows his readiness to use his suggestion of the employment of observation as to the weather : ‘ The sky is clear, pure, calm. The country is not stiffened by frost, nor is it misty with clouds, nor is the air thinned and heated with hot vapour.’ In a letter from Oxford : ‘ Here the sky is windy, thick, humid, and the kinds of food different from what I am accustomed to.’

and external.' <sup>1</sup> Thus in his *de Anima*, 1538, Vives consciously employs the introspective, empirical method. His illustrations appear to be the first instances of deliberate introspective interrogation of consciousness in psychological investigation in modern times. At least two of Vives' illustrations in this era-marking book introduce Spain. 'Yesterday,' he says, 'in the market-place, Peter of Toledo saluted me. I did not notice the fact sufficiently, nor remember it accurately. If anyone asks me, "Who saluted you yesterday in the market-place?" and adds nothing further, I shall answer more readily than if he were to say: "Was it Juan Manrique or Luis Abilense?" In the latter case the labour becomes two-fold, first to reject what does not fit, secondly to replace it by what is right.' But a second Spanish illustration brings the *de Anima* into direct association with Vives and Valencia, though it was written nearly thirty years after Luis left his native city. 'When I was a boy at Valencia, I was ill of a fever. Whilst my taste was deranged, I ate cherries. For many years afterwards, whenever I tasted fruit I not only recalled the fever but also seemed to experience it again.' This Valencian experience illustrates Vives' treatment of the association of ideas (*recordatio gemina*). Sir William Hamilton, perhaps the most erudite of British philosophers <sup>2</sup> in the history of early psychology, in 1872, wrote the judgment: 'The observations of Vives comprise in brief nearly all of principal moment that has been said upon this subject (of mental association) either before or since.'

But Luis Vives not only lays stress on the educational training of observation, as important in nature study, and so significantly claims its supremacy in the new direction which he urges of introspective and empirical psychology. He sees its necessity for the refinement and culture of life for all stages and makes a special appeal for the pleasure-value of observation in the pursuit of nature-study as a settled habit, when a man reaches old age. The out-of-door life of observation of nature is a great pleasure, for it stimulates the desire of knowledge which is, says Vives, 'for

<sup>1</sup> It is as the pioneer of the adoption of this very attitude of observation on the actions of the soul ('introspection' as it is called by psychologists) that Luis Vives deserves the title: 'El Padre de la Psicología moderna.' See Foster Watson, *Introducción a Vives: Tratado del Alma*, Traducción por José Ontañón, Madrid, 1916.

<sup>2</sup> In his *Dissertations in The Works of Thomas Reid*, 7th ed., Vol. II, p. 896, column 1.

every human mind the keenest of all pleasures. Therefore whilst attention is given to observation of nature, no other recreation is necessary. It is a sauce to appetite. It is in itself a walking exercise (*de ambulatio ipsa*). It is at once school and schoolmaster, for it instantly presents objects which one can look at with admiration, and at the same time a man's culture is advanced by the observation.'

There is something large and inspiring even to-day in Vives' account of nature-study and its culture value. For with him it has a universal aspect. It is not the special hunting-ground of a number of expert, professional science specialists—it is something common to specialist scholars *and to the world at large*. And the world would be all the richer if there were this general love of nature inspired and developed as the birthright of all men and women.

This knowledge and interest in external nature resultant from the use of the senses, in observation, is the substitute which Vives proposed in place of old mediaeval metaphysical abstractions, bad Latin, and worse riddles of pseudo-thought. It is like coming upon the rich, varied, wonderful gardens of Valencia after a journey across the bleak, dry Sierras.

In this provision of a substitute for the old studies by concentrating observation in what is near at hand Vives exercised a constructive plan of education, of an educational discipline, and of a constructive life culture. Gathering together incidental, illustrative threads we may now be prepared to find multitudinous indications <sup>1</sup> that in this task of constructing an educational philosophy, Luis Vives was permeated with an extraordinarily powerful permeating motor-force, viz. his Spanish, and particularly his Valencian origin. We suggest that his constructive force and ability are largely based upon the remarkable assimilative characteristics of the Valencian experience, as for instance in its readiness to adopt Moorish inventions and practices, and in the readiness to learn from bilingual experience the value of a vernacular alongside of the school study of Latin; its progressiveness in land-culture and in garden structure, its alertness, mental brightness and cheerfulness.

<sup>1</sup> This has been worked out in some detail in Foster Watson's *The Spanish Element in Luis Vives*. This monograph has been published in Catalan and in English by the Institut d'Estudis catalans of Barcelona, and it is proposed to make it further accessible by a translation into Spanish.

The inclination to progressiveness which marked Valencia is seen in the early printing of a vernacular literature of which *Tirant lo Blanch* is a standing instance. That Vives was associated with this literary spontaneity is shown by the fact that on his mother's side he was connected with the original, independent, spontaneous Ausias March, and he himself, we have seen, speaks with delight of Juan de Mena. Let it also be remembered that the first printing-press in Spain was set up at Valencia in 1471. Valencia, historically, had gone through many vicissitudes—'Every time it was conquered it always assimilated characteristics which amid its unity revealed diversity of traits.'<sup>1</sup> Such a course of development meant constant comparisons, and constant new combinations of experiences. In the domain of professional experience, Valencia had notably profited by its distinguished lawyers and physicians. And Vives had come under the influence of his maternal grandfather, Henry March, the jurisconsult, and of his friend the physician Juan Martinez Población.

With this background of history, tradition, physical achievement and intellectual achievement, in the practical arts of life, we may realise that 'Valencia,' similar in import etymologically with Rome, was self-conscious of power, of spontaneity, and of enterprise.

And, on the side of physical productiveness and natural advantages, that very side which Vives emphasised in his substitute course for the old mediaeval subjects, it is doubtful if there was or is any city and district to vie with Valencia. The Moors had placed their paradise in the Huerta, or the garden of the river Turia. 'Over this,' as Richard Ford<sup>2</sup> says, 'they imagined Heaven to be suspended, and that a portion of it had fallen down on earth—*coelum hic recidisce putes*.'

Luis Vives, therefore, had a permeating force behind him from his native city of Valencia, in the direction of a delight in nature. This made him, relatively to so many contemporary humanists, educationally constructive, and to this may be traced much of his intensive, realist directions of new suggestion, 'exploration' and readiness of enterprise.

<sup>1</sup> Foster Watson : *The Spanish Element in Luis Vives*.

<sup>2</sup> In his remarkable *Handbook to Spain*, Vol. II, p. 429.

## THE HUMANITARIAN ELEMENT IN VIVES'

## SCHEME OF EDUCATION FOR THE CHILDREN OF THE POOR

The educational theory of Luis Vives is chiefly contained in the *de Tradendis Disciplinis*. This is, one cannot but think, the most remarkable book on education in the early part of the sixteenth century.<sup>1</sup> And yet it is not that which would perhaps have the strongest appeal to the twentieth century, for the simple reason, that so many of the educational ideas advocated by Luis Vives have become, in the four hundred years since this book was written, part of the consciousness of thinkers on education as aims and ideals which are now recognised, with but slight modification, as of the essence of educational thought. The *de Tradendis Disciplinis* is a great book of sources of so many ideas afterwards thought to have been the discovery of later writers.

But the *de Subventionem Pauperum*, 1526, of Luis Vives has been less well known, and still is often neglected. Many educationists now know, in a general way, what Vives had to say as to the intension of the concept of education, in the *de Tradendis Disciplinis*. But to complete the estimate of Vives as an educationist, it is necessary to follow the outline of his vision as to the *extension* of the educational concept. That can only be effectively done by taking into account what he has to say on education in the *de Subventionem Pauperum*. His direct subject is Poor Relief, but, indirectly, and in rough outline, he states his views on the education of the poor. These views are astounding in the modernness of their significance. In a sentence, Luis Vives was desirous of offering the children of the very poorest classes the uplifting influence of a refining education. He accepted the etymological meaning of a 'liberal' education (and it is nothing less than this type of education he wishes the poorest to receive) as that of a 'freeing' process emancipating from the slavery of ignorance, and an 'enlightening' process which should be open to all—to bring men (and women) from the sloth and inertia of Plato's remarkable myth of The Cave, into the light of day, ready and prepared for their gradual development and their adoption into the recognised sonship (with Christ) to God.

Luis Vives' suggestions in the *de Subventionem Pauperum* are first devoted to the provision of a Hospital with foster mothers up to six years of age. On attaining that age the child is to be

<sup>1</sup> Foster Watson: Preface to *Vives on Education*, Cambridge, 1913.

passed on to the public school, also included in the institution.<sup>1</sup> Vives then depicts the form of civil education, suitable in his opinion for the very derelicts of the community.

‘Over this school,’ he urges, ‘let there be placed men, as far as possible, educated in courtesy and true nobility,<sup>2</sup> who may transmute their words and manners into this rough school. For there is no greater danger from anything to the children of the destitute than from a *cheap, poor and unmannerly* education. In providing masters of the kind I describe, *do not let the authorities spare any expense*. The sums of money laid out for this purpose will achieve great things for the city over which they hold rule.’ These injunctions of Luis Vives have been before the educational and social leaders for almost four hundred years, but we cannot say they have achieved fulfilment yet.

As for the children in pauper schools, Luis Vives proposes: ‘Let the children learn to live frugally and purely. Let them learn not only to read and write, but also in their earliest years let them be trained in Christian piety and acquire right ideas of things (*et rectas opiniones de rebus discant*).’ What does Luis Vives mean by *rectas opiniones*? He does not mean conventionally standardised views. As nearly as we may put it, perhaps, the term seems to be equivalent to a sense of perspective, or the relative importance in things, the recognition, with clearness and emphasis, of what is great and what is little. I remember a distinguished London medical professor saying: ‘The one thing which we may expect a University student to gain from his residence in the University is a sense of values in life.’ This seems to be exactly what Vives means by *rectas opiniones*.<sup>3</sup> But this training he asks for the

<sup>1</sup> One cannot but be struck with the resemblance to Vives’s scheme of the constitution of the great English Public School, begun as a school for the very poor in London, which became classed amongst the greatest Public Schools in England, viz.: Christ’s Hospital, founded in 1553.

<sup>2</sup> ‘urbané et ingenué educati.’

<sup>3</sup> In a letter written by Luis Vives in 1528 (two years after the publication of *de Subventionem Pauperum*) to King Henry VIII, Vives himself explains this very term ‘*rectas opiniones*’: ‘Nothing,’ he says, ‘is more vital than that due care should be taken in the formation of right and sane opinions by the young. They should know the aim and advantage of each element of welfare, its essential proportion, and how to estimate it. Youth will then become like tried goldsmiths, with a Lydian stone, which serves as an indication of values (positive and negative) of such factors in life as money, possessions, friends, honours, nobility, dignity, sovereignty, outward form, physique, pleasure, wit, erudition, morality, religion. They will thus learn not to confuse small things with great. . . .’

school of derelict children, a keen consciousness of the distinction between right and wrong, of justice, of kindness, and of the vast differences between greatness and littleness, magnanimity and meanness in what Aristotle calls the art of life. And what of the foundling girls? Long before the time of what the textbooks call the earliest modern suggestions of girls' schools, Luis Vives suggests schools for girls as well as for the boys of the very poor. To quote again from the *de Subventionem Pauperum*: 'I would pronounce just the same kind of ideas for schools of the daughters of the poor, in which should be taught the first rudiments of literature, and if any girl is eager and fitted for learning, let her proceed further. Only in questions of study let there be kept in mind the cultivation of the right standards of life (*mores*). Let girls as well as boys learn right ideas of things (once more, *rectas opiniones*) and be trained in piety. Next, let them learn to spin, to sew, to plait, to embroider with the needle, to be skilled in kitchen work and in household affairs. Let them acquire propriety of behaviour, frugality, gentleness, modesty. From the boys most apt in the study of literature, let the best be continued in their studies, so as to be the future teachers of others, and let the school also be a seminary for priests.' Explain it as you will, Luis Vives, of a noble Valencian family, of conservative, aristocratic Spain, is a true lover of the people, filled with the desire of seeing the children of the very lowliest parents find an open prepared path to the highest service of the community. Sir Thomas More, the great English friend of Luis Vives, speaks of the priests in Utopia training the children in *bonas opiniones*<sup>1</sup> (almost the very term used by Vives), 'profitable,' adds More, 'for the conservation of the common weal of *Utopia*.' Probably More and Vives had discussed these matters together either at Chelsea or in the Court of Queen Catharine of Aragon, who was, of course, the compatriot of Vives.

Closely allied to this plea for the liberal education<sup>2</sup> of all

No one is outside the scope of religion and the mass of the people (*vulgus*) will be helped in literature partly by addresses, partly by books, written in the mother tongue, advising them as to the subjects worthy of study, by which their good hours may not be passed in reciting old women's fables nor in actions indifferent to good conduct.'

<sup>1</sup> When Vives was lecturing at Corpus Christi College, Oxford, he made a report to Wolsey on his teaching of University Students—in which he declared that in philosophy he had removed many '*pravas opiniones*.'

<sup>2</sup> As a question of source, it may well be that, once more, the *schola domestica* of the home of Luis and Blanca Vives, at Valencia, is a starting-point for Vives' liberal views for the education of all children.

normal, sound children, Vives expresses, in the *de Subventionem Pauperum*, his deep sympathy for not only the financially poor but also for the children, weakest in health, and those suffering from physical deformities and deprivations, as well as for those of mental deficiencies, particularly the blind, deaf, dumb and those lacking in sensibility, and for those actually insane. He demands that the defective children must not be put aside as useless, but that they have a peculiar right to be specially and suitably educated. For instance, the capable blind can be taught to play musical instruments, or to undertake manual occupations (e.g. the making of baskets and boxes. Blind women can sew and spin). In his *de Anima* he recognises that the chief effective of our source of early direct knowledge is the sense of sight. Accordingly, the educational consequence of deprivation of eyesight is grievous. In all this he is a true son of Valencia, for the dazzling summer sun of Valencia no doubt accounts for its conspicuous instances which he had known in youth, of distressingly bad eyesight and of blindness. So, too, the hospitals of Valencia would suggest the difficulties of treatment by the physicians, even with all the old traditions of Moorish practice in dealing with diseases of the eye. All this personal observation would have been quickened by what he learned from Spanish physicians later, especially from Juan Martinez Población,<sup>1</sup> who also came from Valencia, a close friend of Vives, when both were living in Bruges. Vives writes as to the mental experience of the deaf and dumb and refers to the case of one who became a student of literature. He was amazed, but makes the suggestion that so strong is the love of learning in some men that even if a pupil cannot hear a teacher he can take measures whereby he becomes his own teacher, or to use his own term he is *αὐτοδιδάκτος*.

As to the insane, 'every resource,' he says, must be tried to keep away all causes of mental irritation.' On the other hand, all occasions of praise must be eagerly seized to recognise in the defective person, sensible acts and words and the encouragement

<sup>1</sup> Vives says of Población (Commentaries on S. Augustine's *Civitas Dei*, Healey's translation into English, p. 845): 'I will avouch his knowledge of physique "exact".' Vives wrote very suggestively on the Training of the physician (*de Tradendis Disciplinis*, Bk. IV, cap. VII). He advises acquaintance with Arab writers. When Vives fell ill at Louvain he had himself taken to Bruges to be treated 'after the manner of his own country.' He found hospitality with his compatriot, Pedro de Aguirra. In 1522, at Bruges, Vives was present at the marriage of Juan de Matanca and Barbe Pardo (two Spaniards).

of effort. Every case must be treated individually. ‘Imbeciles,’ says Luis Vives, ‘have a right to tranquillity.’ Thus he is the first pioneer of the modern Itards and Séguins and of Dr. Montessori. It is not surprising that Spain produced the first known teacher of the deaf and dumb, Pedro Ponce de Leon (? 1520–84), a Spanish monk of the order of St. Benedict. Spain was also the country of the first systematic work on the education of the deaf, by Juan Pablo Bonet (d. 1629).

The *de Subventionem Pauperum*, in which the educational views of Vives described above, appear, was published at Bruges, but the source of the inspiration must be traced back, in considerable measure, at least to the connexion of Vives with Valencia.<sup>1</sup>

There is no achievement of Vives of which Valencia may be more proud than this educational vision in the *de Subventionem Pauperum*—and for which he more merits the title of *el gran Valenciano*.

#### THE EDUCATION OF THE NATIVES IN THE NEWLY DISCOVERED ISLES OF THE WEST INDIES

The problem of the human relation of the conquistadors of the Old World and the conquered races in the New World early stirred the minds of the Spaniards. In 1502, the first school was opened across the ocean, for Indian boys. In 1524, a more organised effort was made to introduce some educational measures, when twelve Franciscan friars were sent out to New Spain. Theirs was the first attempt to start a school-system in the New World.<sup>2</sup> The leader was Brother Martin de Boil. These

<sup>1</sup> Luis Vives shows how his thoughts of Valencia are intermingled with Bruges, in which city he is writing, in his Preface to *de Subventionem Pauperum*. ‘To think that anything connected with this city is alien to me afflicts me as it would if I were in my own Valencia. For I do not call this city otherwise than my own country, for I have lived here fourteen years, off and on. Here, too, I married my wife. As it is disgraceful to a father of a family in his wealthy home to permit any member of it to suffer hunger, or to suffer the disgrace of being without clothes or in rags, so it is similarly unfitting that in a city (not absolutely without resources) the magistrates should allow their citizens to be hard pressed by hunger and distress.’ Again, we find a source of Vives’ idea in the *schola domestica* environment of his old home at Valencia.

<sup>2</sup> The story of the reception of these educational missionaries is very picturesquely narrated by the American historian, W. M. Prescott. ‘The inhabitants of the towns through which they passed came out in a body to welcome them. Processions were formed of the natives bearing wax

twelve brothers were known as 'the twelve Apostles of Mexico.' Was Luis Vives, in any way, thinking of these men, when he wrote in 1531 :

'It is not right to think too much about having a great number of scholars. How much better it is to have a little salt of good sooner than a great deal of what is insipid. . . . When Our Lord brought to the world the wisdom and the salvation of God, He contented Himself with a company of twelve men. I do not deny that in speaking a crowd is a stimulus to the mind, but oratory is a different thing from teaching !'

At these first groups of schools, in the New World of de Boil, the numbers ranged from six to eight children, who were fed, clothed, taught, just like the poor children of Luis Vives' proposed school for derelicts. The subjects taught to the Indian children were Christian doctrine, reading, writing, singing and manual arts. Such were the schools for the native Mexican children. Luis Vives called his systematic treatise on education *de Tradendis Disciplinis*. It dealt with the transmission in time of knowledge from the older to the younger generation. This movement of de Boil may be interpreted as the transmission in space, from Europe through Spain, of European school-subjects and methods of instruction to the conquered New World. There does not appear to be any known direct connexion between Vives and de Boil, but there can be no doubt that Luis Vives was much concerned with the new responsibilities of Europe, and primarily of Spain, towards the natives of the New World. In one passage <sup>1</sup> he states his views, in 1522, of the bearing of religion on the new discoveries across the seas :

'The newly discovered peoples in the faithless islands of the Ocean, who have never heard of Christ may attain the glory of the Christian by keeping the two abstracts of all the Law and the tapers in their hands. Cortes, the general, with a brilliant cavalcade, met them. He dismounted, and bending one knee to the ground kissed the robes of Fray Martin of Valencia (that is Juan Martin de Boil, the principal of the Fraternity). Professor Riba has pointed out to me that Fray Martin de Boil was not a native of the Valencia of Luis Vives, but came from Valencia de Don Juan in the Province of Leon. This fact, of course, does not preclude the possibility that de Boil's wonderful mission was known to Luis Vives, but it makes a close personal connexion and interest less probable. At any rate, there was the common element of a deep concern and sympathy for 'the newly discovered peoples' of the New World.

<sup>1</sup> In his Commentaries to his edition of St. Augustine ; *Civitas Dei*, written at Louvain, 1522.

Prophets, and of a man's neighbour, so great a blessing is it to be good. The nations that have no law but nature are a law to themselves. The light of their living well is the gift of God coming from His Son, of whom it is said : He is the light that lighteth *everyone that cometh into the World.*'

Whether Vives and Fray de Boil were aware of each other's ideas or not, they must have had some common outlook on the large vistas of the future of the heathen population of the New World. As far as Luis Vives is concerned, we may safely infer that the spirit which animates his sympathy for the poor 'faithless' natives of the islands of the West is precisely of the same mould as that which he manifests towards the derelicts of the larger industrial cities of Europe, which had developed a 'slum' population. In both cases, and in all cases, Luis Vives was desirous of offering the help of a sound education, if indeed he would not insist on it, as providing the thorough remedy, especially if it promoted the appreciation and acceptance of '*rectas opiniones.*'

But there is evidence that Luis Vives was brought into connexion with the New World through his books. Francisco Cervantes Salazer in 1546 translated into Spanish, Vives' Latin text of the *Introductio ad Sapientiam*. Salazer went to Mexico in 1553 and extended the influence of the European Renaissance to the Indian Aztecs of Mexico. He compiled school-dialogues for teaching Latin on the plan of Luis Vives' *Linguae Latinae Exercitatio*. Salazer's *Dialogues*, issued in Mexico, included three of Vives' dialogues, and in addition, imitations of Vives' types of dialogues, in Spanish, on such subjects as the Spanish Conquerors, the Mexican Aztecs, on New Spain, on the streets, the schools and instruction in the New Spain, and so on. Hence this book of colloquial schoolboy Latin and Spanish is extremely interesting in itself, and establishes a sort of posthumous direct connexion between Luis Vives and the New Spain, in which he had, as we know, so keen a humanitarian interest.

#### VIVES AS A GREAT LINK BETWEEN THE MEDIAEVAL AND THE MODERN WORLDS

Vives as a  
'Way-  
breaker'

It has been said that Erasmus was the bridge-builder between these two worlds. With him on the educational and philosophical side must be joined Luis Vives. Both Erasmus and Vives fought for the cause of pure Latin, for the recovery and re-editing of the great authors

of the Romans and the Greeks. In this aspect Erasmus was the Prince of Literary men, the Dictator of the Republic of Letters. But the record of Luis Vives in the direction of the cultivation of the vernacular, the significance of modern geography and modern history, and their teaching, in the insistent advocacy of observation and experiment in nature-study, in his efforts towards the statement of the inductive method, in his pioneer empirical treatment of psychology, as the first advocate of poor-relief as a duty of civic organisation, as the first to attempt a modern history of philosophy,—cumulatively this astonishing list of enterprising new directions of leadership towards the New Modern World seems to me to be a dividing line, intellectually, parallel in momentousness with the new discoveries in navigation, which found the passage from the Old to the New World of navigation. Lange described Luis Vives as a ‘Way-breaker.’ The Spanish discoveries fascinated Luis Vives. ‘Vaster events’ had followed even the navigations recorded by Peter Martyr in his ‘monumental books.’ The consciousness of the wonders of the New World, and its surprising revelations of what had been unknown, in which Spain had played such an absorbing part, roused the Valencian-trained Luis Vives to new suggestions, new combinations of ideas experientially grounded on that life he had led in that ‘garden’ of Spain as a child and youth, safely entrenched in the highly humanising environment of the *schola domestica* of his native Valencia. In the dedication of his *Linguae Latinae Exercitatio*, 1538, apparently the last of his books published in his lifetime, he says to the Boy-Prince Philip: ‘I shall deserve well of *my country*,<sup>1</sup> that is Spain, if I should help in the forming of sound morals in thy mind. For *our country’s health is centred in thy soundness and wisdom.*’

#### THE OLD WORLD OF AUTHORS AND THE NEW WORLD OF LIFE

The Old and New Spain had recognised the distinction of Old Spain and New Spain, so Vives the Spaniard, *el gran Valenciano*, drew the distinction between the Ancient World of the

<sup>1</sup> In the Commentaries on S. Augustine’s *Civitas Dei* (Healey’s translation in English, p. 297), Vives says: ‘There is an old memorial extant as the ancient times (of Spain) written in Greek and Latin: “I hope by it to illustrate the original of *my native country*.”’ Vives did not publish any such writing, but the passage illustrates how his thoughts turned to Spain, as his projected biography of his mother (though never written) shows how his thoughts turned in after life to his family.

Greeks and the Romans and the Modern World of progress and enterprise. Luis Vives' words and illustrations are so incisive and complete in their statement, we can only quote them and leave them to tell their own story, the story of the great revolution, at a stroke, from the worship of antiquity and mediaevalism to modern times. Speaking of the authors in the ages of antiquity, Vives says: 'They were men as we are, and were liable to be deceived and to err. They were the first discoverers of what were only rough, and, if I may say so, shapeless blocks, which they passed on to their posterity to be purified and put into shape. Seeing that they had such fatherly goodwill and charity towards us, would they themselves not be the first to require us not to abstain from using our intellects in our attempts to surpass their gifts to us? The good men amongst them undoubtedly in the past, stretched forth their hands in friendship to those whom they saw mounting higher in knowledge than they themselves had reached. For they judged it to be of the very essence of the human race that, daily, it should progress in arts, disciplines, virtue and goodness. We think ourselves men or even less, whilst we regard them as more than men, as heroes, or perhaps demi-gods, not but what they excelled in many great achievements. So we also might no less excel, in the eyes of our posterity, if we were to strive sufficiently earnestly, or we might achieve still more, since we have the advantage of what they discovered in knowledge as our basis and can make the addition to it of what our judgment finds out. Some writers adopt a false and fond similitude, though they think it witty and suitable, viz. *that we are, compared with the ancients, as dwarfs upon the shoulders of giants*. It is not so. Neither are we dwarfs, nor they giants, but we are all of one stature, save that we are lifted up somewhat higher by their means, provided that there be found in us an equal intention of mind, watchfulness, and love of truth, as was in them. If these conditions be lacking, then we are not dwarfs, nor set on the shoulders of giants, but men of a competent stature grovelling on the earth.'<sup>1</sup>

We have seen that he describes Valencians as by nature 'joyous, alert, facile.' This Valencian buoyancy and even expectancy is characteristic of Vives even when he writes to Henry VIII or to the Bishop of Lincoln. Luis Vives delighted in describing himself as Valencian ('Valentinus').<sup>2</sup>

<sup>1</sup> *de Causis Corruptarum Artium Opera*, VI, p. 39.

<sup>2</sup> On the title-page of his first printed book, *Declamationes* (and other

The Optimism of Francis Bacon and of Luis Vives

One of the characteristics of Francis Bacon is his optimism. It was one of Bacon's highest hopes that from the growth of true knowledge would grow 'the relief of man's estate.' This was the end which animates all his desire after a fuller and surer method of interpreting Nature. Similarly, Vives urges 'teachers to pity the human race, blind and forsaken amidst so many dangers.' Bacon has the desire to be a great benefactor. 'The spirit of sympathy and pity for mankind is very marked—pity for confidence so greatly abused by the teachers of man, pity for ignorance which might be dispelled, pity for pain and misery which might be relieved.' <sup>1</sup>

Whilst we might reasonably claim that Luis Vives is equally with (or even still more optimistic than) Bacon, and whilst we could ascribe on the physical side of animal cheerfulness, the influence of the climate <sup>2</sup> and physical background of Valencia, we realise that his optimism is grounded upon his profoundly religious spirit, which we are drawn to think comes largely from the mother whom he revered, in the *schola domestica*. In the letter to Everard de la Marck, Luis Vives says the Valencians manifest 'an incredible devotion to whatever concerns the Church' (*ecclesiasticam rem incredibili curat diligentia*). Luis Vives himself, whether a Tertiary or not, was deeply infused with a religious spirit. He associated science with religion. '*All things the more exactly they are known, the more they open the doors to the knowledge of the Deity as the supreme Cause through His works; and this is the most fitting way for our minds to reach to the knowledge of God.*' <sup>3</sup> Not only by the pursuit of knowledge <sup>4</sup> but also by the exercise of reason do we rise to small works), he describes himself: *Johannis Ludovici Vivis Valentini*, and he so described himself invariably every year up to and including 1526, the date of the *de Subventionem Pauperum*, and indeed afterwards. The reference to 'fatherly' goodwill once more recalls the atmosphere of the '*schola domestica*,' as does: 'We ought to care for posterity *as we do for our sons.*'

<sup>1</sup> R. W. Church: *Bacon* (Men of Letters Series).

<sup>2</sup> How grievously Vives feels dull, rainy, foggy, misty weather, and how gloomy life becomes to him on that account, is seen in a letter from Oxford, 10 March, 1524: 'Here the sky is windy, thick, humid, and the food different from that to which I have been accustomed.'

<sup>3</sup> *de Tradendis Disciplinis*, Bk. I chap. 4.

<sup>4</sup> Vives declares: 'I for my part think that proud ignorance is more inimical to piety than modest knowledge' (*de Tradendis Disciplinis*, Bk. I, chap. 4).

our highest selves. Further, Vives says: 'By the possession of reason, we become more like to, and most united with that Divine Nature, which rules everything.'<sup>1</sup> Science, philosophy, knowledge, reason, all are subordinate to love. 'What can we fix as the end of man except God Himself? . . . We must return to Him by the same way we came forth from Him. Love was the cause of our being created. . . . From that love we have been separated, forsooth, by the love of ourselves. By that love we have been recalled and raised up, that is to say, by the love of Christ.' Vives' great work on education, the *de Tradendis Disciplinis*, has a profoundly religious atmosphere, as is evidenced by its alternative title, *Seu de Institutione Christiana*. We saw in the *Christi Triumphus*, that earliest Parisian booklet of Vives, the claim for Christ as the spiritual conqueror of all the heathen conquerors. So in his latest, his posthumous work, *de Veritate Fidei Christianae*, his thoughts are roused to assert the Christian ideal against the Jewish views and against many forms of heathendom, once more we see that Vives is concerned for those natives '*in insulis istis novis ab Hispanis quotidie inveniri audis.*'<sup>2</sup> He gives up a whole book to the considerations to be urged *contra sectam Mahometi*. Thus at the beginning and at the end of his life, we see the religious impulse and discipline permeate Vives, and we see the strong desire of his life to bring the Mahometans (with whose mental atmosphere he had been so familiarised at Valencia) into the one fold, if reasoning could accomplish it.

Luis had a high idea of citizenship—and he tells Vives' sense of Citizen-ship. The Public Good is to him as if a second Valencia. This pride of citizenship takes the form, in Vives, of a devotion to the 'public good.' He does not accept the idea that even scholarship is an 'end in itself.' He would not accept the cry of some modern artists: 'Art for Art's sake.' With regard to the acquisition of knowledge and the achievement of scholarship, Vives maintains: 'This then is the fruit of all studies; this is the goal. Having acquired our knowledge we must turn it to usefulness, and employ it for the common good.'<sup>3</sup> Scholarship is the glorious means by which a man renders himself the most effective human agent in promoting the real ends of piety and the search

<sup>1</sup> *Ibid.*, Bk. V, chap. 3.

<sup>2</sup> *de Veritate Fidei Christianae*, Bk. IV, chap. XIX.

<sup>3</sup> *de Tradendis Disciplinis*, Appendix, chap. 1.

for truth.<sup>1</sup> The good teacher must be a good citizen because then '*love for his parents and country* will burn very brightly in his heart and he will wish to consult the interests of his country in whatever is pleasant and dear to it, and whenever he has an opportunity he will do all the good he can for its progress.' Perhaps the most vivid expression of this view is in a letter to Erasmus, where Vives says :

'I set very great store by the public good. Most keenly would I advance that good any way I could. Those are the fortunate people, in my opinion, who are serviceable in this direction.'

Vives tells Erasmus how and why he admires him in this respect. 'I think it is a truer glory of yours to have made others better from their reading of your monumental works than to hear all those expressions of glory—"most eloquent," "most learned," "first of all" !'

The Good Scholar and the Good Citizen      Thus we know the inner aim of Vives, the pro-motion of the public good. The good scholar, like every one else, must be—the good citizen. It is in this spirit of being a good citizen (like his father, and like his uncle Henry March, of Valencia) of Bruges, to him a Valencia over again, Vives the scholar performed his great tasks. The eventual social ideal for Luis Vives would be the whole family of humanity filled with this spirit of the household of his father, Luis Vives of Valencia.

The Place of Vives      Coming at the transition stage between mediaevalism and modern times, this attitude (so rare in Renaissance writers) of conscious care for the public good as prior even to the mere absorption in scholarly aims and interests, fascinated Luis Vives towards lines of development which afterwards proved to be the way of cultural progress in succeeding generations. In other words, Luis Vives met the future of mental and social aspiration half way. Not only was he the pioneer in the advocacy of observation and experiment in the natural sciences and in his employment of the inductive

<sup>1</sup> Vives' ideal for teachers is very high. They must not be self-seekers. Their aim should not be that of mere accumulation of enviable stores of knowledge, but to be helpers of the community. 'He who helps a brother who is labouring to get truth not only helps a man but also helps the truth.' Similarly, Vives looks on physicians as applying their art to the service of the human race.

method, but he was the writer of the first modern history of philosophy. He is the father of the empirical treatment of psychology. He is the first writer to suggest in detail an organised system of poor-relief as a civic and national duty. Along with Erasmus he claims outstanding recognition as an apostle of universal peace among nations. When we take into account everything which Luis Vives wrote on education, particularly in the *de Causis Corruptarum Artium* and in the *de Tradendis Disciplinis*, we do not hesitate to regard *el gran Valenciano* (or 'the second Quintilian,' as he was called in his own times) as the most critical and at the same time the most sympathetic educational leader of the first half of the sixteenth century, 'in spite of the fact that Erasmus, without inquiry, is often placed in that position.'<sup>1</sup>

If we attempt to summarise the whole of the philosophical tendencies of Luis Vives, in the great record of pioneership thus enumerated, we may say that his line of development was towards a living realism, viz. away from the abstractions of scholasticism to the study of the concrete phenomena of nature; or, expressed in the simplest of terms, from books to the observation of things direct for oneself, from standardised scholarship to active, practical life. The appeal to Nature-study, so bold, so novel, as Luis urged it, is grounded, in the last resource, on his early course of life in Valencia. In this great gift of direction of thought to nature and to life,<sup>2</sup> it is that we recognise that Vives is *el gran Valenciano*.

In that great battle between the ancients and the moderns (which in England was only at its fiercest in the eighteenth century), who has put the whole matter more cogently than Luis

<sup>1</sup> Foster Watson: *Vives on Education*, Preface, p. vii.

<sup>2</sup> Yet even in Nature-study, Luis Vives warns the reader against possible abuses: 'All our studies should be applied to meet the necessities of life, to some bodily or mental gain, to the cultivation and increase of reverence. . . . The philosopher is one who knows the origin and nature of plants and animals and the reasons why, as well as the way in which, natural events happen. The unlearned, silly and godless tales of Arabians should not be seriously studied.' (Again, the reminiscence of his Moslem experience at Valencia.) After warning students against necessarily accepting Aristotle, learned scholars and other authority, Vives concludes: 'In all natural philosophy, the scholar should be told that what he hears is only thought to be true, i.e., so far as the intellect, judgment, experience and careful study of those who have investigated the matter can ascertain, for it is very seldom we can affirm anything as absolutely true.' How modern such views of science and science-teaching, in relation to authority, sound!

Vives, living directly after the age of the great Spanish navigations :

The Dynamics of Life ‘How greatly do the discoveries of earlier ages and experiences spread over long stretches of time, open up the entrance to the comprehension of the different branches of knowledge? It is therefore clear that if we only apply our minds sufficiently we can judge better over the whole round of life and nature than could Aristotle, Plato, or any of the ancients. . . . Further, what was the method of Aristotle himself? Did he not dare to pluck up by the root the received opinions of his predecessors? Is it, then, to be forbidden to us, at least to investigate, and to form our own opinions? Seneca wisely declares: “Those who have been active intellectually before us, were not our masters but our leaders” (*Non domini nostri, sed duces fuere*). “Truth lies open to all. It is Open to All not as yet taken possession of. Much of truth has been left for future generations to discover” (*Patet omnibus veritas; nondum est occupata. Multum ex illa, etiam futuris relictum est*).’

We cannot better finish this cursory exposition of the principle underlying the contribution of Luis Vives to the history of philosophy and culture, and the claim he has to the descriptive epithet ‘Valentinus,’ than by quoting his own words as to his own views on life and truth:

‘For my part, I would not desire that anyone should yield his opinion to mine. I do not wish to be the founder of a sect, or to persuade anyone to swear by my conclusions. If you think, friends, that I seem to offer right judgments, see well to it that you give your adherence to them, because they are true, not because they are mine. . . . No knowledge is at one and the same time discovered and perfected.’

But when we have considered the principles of thought and life put forth by Luis Vives, we have still to bring to our minds the idea of his personality, if we would have a full picture <sup>1</sup> of

<sup>1</sup> The impression of Luis Vives, physically, to be derived from the well-known engraving by Edmonde de Boulonais is described by M. Berthe Vadier as follows: ‘Il porte la barrette de velours et la simarre garnie de fourrure qui donne à tous ces portraits de la Renaissance un air de famille. Les traits sont réguliers, le front beau sous les cheveux coupés carrément, l’arc des sourcils est finement dessiné, l’œil noir est grand, bien ouvert, très doux; c’est un œil d’observateur, de contemplateur, de penseur; le nez, légèrement busqué, est un peu fort la bouche spirituelle.’

Ludovicus Vives Valentinus. For, great writer as Vives was, the man was greater than his writings.

The Per-sonality of Luis Vives      Vanden Bussche, the Bruges archivist, has admirably stated his personal characteristics as follows :

Nous le voyons aux différents âges de la vie, tour-à-tour, fils tendre et plein de reconnaissance pour les auteurs de ses jours, dont il se plait à célébrer les vertus dans ses livres.

Elève plain d'attachement pour ses professeurs, s'efforçant de leur prouver en toute circonstance sa gratitude. Son gigantesque travail, sur Saint Augustin, est un service qu'il voulut rendre à Érasme, son maître.

Ami sincère et toujours prêt à servir ceux qui faisaient appel à lui, il dut faire beaucoup d'ingrats ; ce qui nous explique peut-être le dénûment dans lequel il se trouva vers la fin de sa vie.

Bon époux et rempli de dévouement pour ses proches. Citoyen honnête et pacifique mais courageux à remplir ses devoirs ; vivant loin des honneurs et de l'éclat qu'il eût pu obtenir ; s'il eut été plus intéressé et moins modeste.

Zélé pour le bien de l'humanité et entendant à merveille les besoins de ses contemporains, témoin ses lettres et ses démarches auprès des grands pour amener l'union entre les princes chrétiens.

Tel fut Vives.

The erudite historian and critic of Spanish scholars and writers, Professor Menéndez Pelayo, said that Luis Vives was ' the most complete personality ' of the sixteenth-century Renaissance. This is a great pronouncement by a great scholar. It therefore needs close and careful consideration. My own experience is that the more concentrated study we give to Luis Vives, the more remarkable he shines through as a man—from behind the records of his life, and in the background of all his written works.

et bienveillante, le menton carré. En somme, c'est une physionomie d'une grande distinction, et d'une grande douceur, en parfaite harmonie avec la devise qu'il avait choisie : *Sine querela.* *Luis Vives* (Génève, 1892), pp. 15-16.



# THE PHILOSOPHY OF GIOVANNI GENTILE

## PART I

It is difficult to give a brief sketch of any philosophy ; so much that helps to bring one mind to the comprehension of another has to be omitted. Yet a sign-post may be enough to induce some traveller to seek the town ; and this short essay may render a similar service.

The thought of Gentile is influenced by the idealist tradition which descends from Berkeley to Hegel. Philosophy, it seems to him, should yield the concrete notion of the meaning of reality. 'This philosophy,' he says, 'can equally well be described as an actual idealism (for it considers the absolute idea to be an act) or as an absolute spiritualism (for it is only in an absolute idealism which holds the idea to be act, that all is spirit [or mind]). It sets out from the identification of the Hegelian Becoming with the act of thought, since this is the only concrete logical category. . . .'<sup>1</sup>

It is characteristic of Gentile's idealism to mean by the thinking of the philosopher an activity which is reasonable, but not a narrow intellectual activity. It should contain not merely 'mind,' but 'the good spiritual disposition, what we call heart,—good will, charity, sympathy, open-mindedness, warmth of affection.'<sup>2</sup>

Gentile is not passing from intellectualism to some form of emotionalism or intuition as an immediate philosophic revelation of reality, for his view is that emotion and intuition are not to be contrasted with the intellect as though either could exist without the other. The intellect cannot, without self-injury, neglect this all-round character of human life. It has to be more than mere intellect in order to be really the intellect. The sympathy which emotion gives is not bias or prejudice in favour of self ; it is better understanding of self and other selves. Such

<sup>1</sup> *La Riforma della Dialettica Hegeliana*, Pref., p. v.

<sup>2</sup> *Theory of Mind as Pure Act*, Ch. I, p. 8. Trans. H. Wildon Carr.

understanding is not usually thought to be necessary for scientific work, so that the scientist when he begins to philosophise tends to undervalue it. This sympathetic thinking is not, however, really a defiance of scientific method. It supplements it where owing to the need for a synoptic knowledge of reality supplementation is necessary. Science itself makes its own supplementation, for example, intuitions or sympathetic guesses are used in the suggestion of hypotheses.

According to Gentile, the most concrete notion of the meaning of reality which we can acquire is that of active self-conscious thought, or, as he phrases it, Mind as pure act. In 'the full concept of the spiritual act' consists 'the living nucleus of philosophy.'<sup>1</sup> The concept of Reality as an arrangement of points or a whirl of electrons does not satisfy our minds. It is not that we revolt from it with emotional distaste; we are intellectually dissatisfied with it as an account of the whole of Reality, however satisfied we may be with the theory as an account of a certain finite part or aspect of Reality which we call Nature. Because it has nothing to say about thought, we know that it leaves out the meaning of Reality for us. Who are we? We are at any rate not outside Reality as a whole. We are a critical and appreciative side of the Universe, and this has to be considered in an attempt to gauge the ultimate meaning of Reality. Criticism and appreciation, knowledge and value are perhaps the prerequisites of any reality which is not itself critical or appreciative or knowing or valuable. For what is the existence of something which is not known to exist and does not know itself to exist? Gentile with other idealists asks this question. The whole Reality in order to be a whole must somehow include all awareness of that whole which experience may show. It must be, when it is most real, most self-conscious and alive. From a philosophical point of view, Reality must have meaning. 'To conceive a reality is to conceive, at the same time, and as one with it, the mind in which that reality is represented; and therefore the concept of a material reality is absurd.'<sup>2</sup> A reality without meaning takes us straight to scepticism, for nothing can be known about it. A reality with meaning such that philosophy may hope to discover is such a real whole as we have suggested. It is a whole that requires the presence of the judging appreciative mind, and because it is the whole, it must include that mind. We

<sup>1</sup> *Op. cit.*, Pref., p. 26.

<sup>2</sup> *Op. cit.*, p. 1, Ch. I.

should not think of a meaningful real on one hand and mind on the other, but philosophy does not imply this. It gives us a concept of reality which is not merely of or about reality. The reality of such a concept would be left outside the complete reality we seek to comprehend, which is absurd. 'The whole . . . cannot be constituted in abstraction from the thought in which it is posited. And when we do not abstract from thought, thought cannot appear as a mere co-efficient which need merely be added externally in order to complete the sum of reality; because having granted that thought is the complement of the real, the latter becomes ideal as the function of thought, and therefore is resolved into thought itself.'<sup>1</sup> The concept when it is united to the rest of the whole embraces reality. For without knowledge, we have suggested, there is no existence—the whole lives by its meaning. This meaning is its meaning for itself—in the end, reality and concept, nature and the mind, are one as a living act.

Gentile's identification of reality with the concept, or with philosophy which is usually supposed to be merely thought about reality, shows a change from the standpoint of Hegel. He quotes the famous passage about the owl of Minerva without approval, for according to him philosophy is not mere reflection upon the past. It is the pure act of thinking, and as such is present, and makes present the object of its activity which is only an aspect of the process.<sup>2</sup> The concept of reality is itself the most concrete activity, which is self-conscious. For the reason of our identifying reality with the concept is that the concept is more than any reality apart from the concept—apart, that is, from knowledge. This reality which is living act is aware of itself as living. 'An absolute idealism cannot conceive the idea except as thought in act, as all but consciousness of the idea itself, if we keep for *idea* the objective meaning which it originally had in Plato, and which it continues to have in common thought and in the presuppositions of scientific knowing, that of being the term of thought or intuition.'<sup>3</sup>

This identification of reality with thinking only seems to fail to reach the goal of the concrete, if thinking is limited to pure theory—a theory which is mere theory and therefore opposed to practice. A concept of reality which excludes the practical

<sup>1</sup> *Logica*, I, Cap. I, p. 13. Cf. *Theory*, Ch. I, pp. 3 and 4; Ch. XV, p. 238.

<sup>2</sup> *Logica*, I, Cap. III, p. 33.

<sup>3</sup> *Theory*, Ch. XVII, p. 253. Cf. *Logica*, Cap. I, p. 13.

from reality cannot be considered complete. This concept of reality as thinking is not, however, merely theoretical but is also practical. 'But if we set aside the fantastic relations supposed to exist between the will and external reality . . . what criterion of distinction is there between knowledge and will? Every time we contrapose the theoretical to the practical we find we have first of all to presuppose the reality intellectualistically, just as empiricism does and just as Greek philosophy continued to do throughout its course, so precluding every way of identifying mind with practical activity.'<sup>1</sup> 'The spiritual life, then, which stands opposed to philosophy is indeed abstractly as its object a different thing from philosophy, but it lives as philosophy.'<sup>2</sup> Theory and practice are merely contrasted aspects of the same reality. If we refrain from making an analysis of the act of thinking (an analysis which may be perfectly legitimate in other circumstances) and instead examine any act of thinking as it occurs, we find that it is both a theoretical discourse and a practical deed. We must not overlook the *act* for the thinking. On occasion it is convenient to contrast the peculiar character of this act, by which it is thinking, with some other act, but were such pure theory in fact possible it would certainly not be one with the *whole* reality. Experience however does not show it to be possible, and since we live by experience, we must be willing to consider the view that thinking is work, often hard work—that it is in fact by nature both theoretical and practical.

Self-conscious activity, being real for itself, is the most complete living. 'So it is that we all feel our existence to consist in the existence which we make for ourselves; I say "our existence" in relation to that "we" which affirms itself and says: "We"; and is in short self-consciousness, the active and substantial principle of mind.'<sup>3</sup> It is therefore our notion of what reality must be; it is the concept of reality. In other words, Gentile's doctrine is that reality is the concept or mind as pure act. 'Pure' act because 'thought (or rather thinking) is free'; it contains the aspects of subject and object. Its past and its future are likewise real only so far as they are absorbed by it, that is, present. Consequently, there is nothing outside it which can be an obstacle for it, and so make it impossible to describe it as pure act. Strictly speaking, 'pure' is a superfluous word, for as

<sup>1</sup> *Theory*, Ch. XV, p. 236.

<sup>2</sup> *Ibid.*, p. 240.

<sup>3</sup> *Logica*, I, Pt. I, Cap. IV, p. 90.

Gentile shows, there is no freedom and therefore no activity which is not absolutely free or 'pure.' To be 'partly' constrained is to be constrained.<sup>1</sup>

This freedom implies a changing, developing real, which Gentile can find only in thinking. Reality is not static and complete whether as material substance or as mind; it is a dynamic whole—not merely mind as thought (*pensiero pensato*), but thinking itself (*pensiero pensante*), thinking in the act, which is the life of the spirit. 'Thought, in so far as act of thought, *is*, as it has been said, in not being, and in being, *is not*. It is a unity of being and not-being which is understood when we think of *becoming*, whence the immediacy of being is denied, through the assertion of being, but as identical with its opposite. . . . Becoming is the category of universal reality, but only if this reality in its universality is understood as thought.'<sup>2</sup> This seems a confused idea, Gentile says, except when it is realised that 'such a concept can be thought only as thought of thought, as that self-consciousness which is obviously present even in the case of the adversary or the ironic commentator of the category of becoming; so that nothing is more evident than that being which is not, or than that not-being which is, in which this category consists.'<sup>3</sup> Reality is reality which becomes, and the unreal has perpetually to be overcome.

This view of reality has the advantage of providing a harmonious resolution of the dualism between mind and matter, showing that they can be contrasted only as reality can be contrasted with unreality—the latter is a 'moment' of the former. The dualism, which left the relation between mind and matter a 'brute fact' as Bradley would say, was simply a frozen example of the dualism between thought and action or idea and reality.<sup>4</sup> Once it is made clear that thinking is activity, then mind and matter are united, not in a concept of one to the exclusion of the other, but in a concept which reconciles them, and so attains the conception of a diversity within identity. Only thus can the many be held together in a single concept, and only thus can reality be understood. The monism of Gentile is perfect, yet because it is complete it is free from the vices of some monistic views; it does not set up an abstraction in the place of experi-

<sup>1</sup> *Theory*, Ch. III, p. 19.

<sup>2</sup> *Logica*, Pt. I, Cap. IV, p. 91.

<sup>3</sup> *Ibid.*, p. 93.

<sup>4</sup> Cf. *Theory*, Ch. I, p. 1; Ch. III, pp. 30, 31; Ch. IV, pp. 49–53.

enced reality. It offers us thinking as the concrete form of reality, and shows that this form of reality alone can explain both itself and the rest. Philosophy is not mere experienced reality, nor mere reflection upon experienced reality, but a unity of both, i.e. self-consciousness. The concept which reveals the meaning of reality is the veritable reality.

We have identified philosophy with the meaning of reality, that is, with its self-consciousness or awareness of itself as existent, by identifying that meaning with the concept, which is thinking. Philosophy is the mind as pure act, and the mind as pure act is reality. It is true that my philosophy as distinguished from yours, and yours as distinguished from mine, is not the pure act which is reality. But one philosophy as distinguished from another is limited, and its limitation is a sign that it is not pure act. A limit shows that there is something transcending the object limited; the object is so far acted upon instead of acting. A philosophy which is mine but not yours, and yours but not mine, is finite, and by its finitude incompletely yields the meaning of the real. It is thinking, but it is not infinite thinking. Gentile is not claiming that his philosophy, as characteristically *his*, is reality—but that in thinking it, whether the thinking be by him or by some other, there is a realisation which is reality, and this is, according to him, a necessary stage of thought. As such, it is not merely finite ‘. . . once we have mastered the concept of thinking as transcendental thinking, the concept of mind as self-consciousness, as original apperception, as the condition of all experience. . . . The transcendental point of view is that which we attain when in the reality of thinking we see our thought not as act done, but as act in the doing.’<sup>1</sup> Infinite thinking, philosophy in this sense, is the only possible meaning for reality—a thinking which is not of some finite substantial person nor about some finite substantial thing, but a thinking which is absolute self-consciousness. It can be distinguished from finite thinking, but does not transcend it—it is real only in the thinking which is finite, as the universal is real in the particulars. ‘Let it not be thought that the concept of this deeper personality, the Person which has no plurality, in any way excludes and effectually annuls the concept of the empirical ego. Idealism does not mean mysticism. The particular individual is not lost in the being of the “I” which is absolute and truly real. For this absolute

<sup>1</sup> *Theory*, Ch. I, pp. 5, 6. Cf. Ch. VIII, p. 100.

"I" unifies but does not destroy. It is the one which unifies in itself every particular and empirical ego. The reality of the transcendental ego even implies the reality of the empirical ego. It is only when it is cut off from its immanent relation with the transcendental ego that the empirical ego is falsely conceived.' <sup>1</sup>

This unity of the thinking of empirical selves in the thinking of the transcendental subject, and the identification of such thinking with reality, implies that reality is an immanent universal, or the universal particularised, and vice versa. Concepts, according to Gentile, are thoughts or individual systems which must resolve into a single system, or single concept which is in this sense merely the object of our thinking, related to the act of the transcendental ego (*pensiero pensante*) as the closed system of thought (the thought which has been already thought or *pensiero pensato*) to the system as it is being developed. 'It is, then, in concrete thought that we must look for the positivity which escapes abstract thought, be it of the universal or of the individual. It is by the abstract universal that thought thinks, but the abstract universal is not thought. The abstract individual is only one of the terms of the thought which we want to intuit, to feel, to grasp as it were in a moment, to take by surprise. Neither universal nor individual is concrete thought, for taken in its natural meaning the universal is not individualised as it must be to be real; nor is the individual universalised as even it must be to be ideal, that is, to be *truly* real. When Descartes wished to assure himself of the truth of knowledge, he said: *Cogito ergo sum*; that is, he ceased to look at the *cogitatum* which is abstract thought and looked at the *cogitare* itself, the act of the ego, the centre from which all the rays of our world issue and to which they all return.' <sup>2</sup> This concrete thinking which is the universal individualised is becoming, in the sense which Hegel suggested by his conception of the dialectic, for it is the unity which includes differences, as e.g. of mind and matter or of theory and practice. 'The subject in this constructive process, the subject which resolves the object into itself, at least in so far as the object is spiritual reality, is neither a being nor a state of being. Nothing but the constructive process *is* . . . *verum est factum quatenus fit*.' <sup>3</sup> 'For us true thought is not *thought thought*, which Plato and the whole ancient philosophy regarded as self-subsistent, a

<sup>1</sup> *Theory*, Ch. II, p. 14. Cf. Ch. VIII, p. 107.

<sup>2</sup> *Ibid.*, Ch. VIII, p. 99.

<sup>3</sup> *Ibid.*, Ch. III, p. 19.

presupposition of our thought which aspires to correspondence with it. For us *the thought thought* supposes *thought thinking*; its life and its truth are in its act.' <sup>1</sup>

## PART II

The philosophy which is becoming therein shows change, which, so far as differences are increasingly well understood, implies development and may be called progress. Unlike the reality of ancient philosophy, it is ' . . . a reality which is realised through a process, which is not a vain distraction of activity but a continual creation of reality, a continual increase of its own being.' <sup>2</sup> This realisation or development may be traced in the series of particular philosophical problems at which men have worked. Various men have worked at the particular problems, but Man as such has worked on the problem of philosophy as such. Philosophy is therefore one, a unity containing differences. This conception explains Gentile's desire to show the necessity of the analytic philosophy—the 'Aristotelian'—in order that synthetic philosophy—the 'Hegelian'—may have its full meaning and value. In the preface to the *Logic* he says, 'In fact, I have conceived this system of logic in the hope of satisfying an old need of mine to fill in the abyss which in the history of philosophy of the nineteenth century had opened between the ancient analytic conception of thought defined in the Aristotelian logic, and the new dialectic of idealism begun by Kant and developed by Hegel. A concept which collided violently with my mode of understanding philosophy precisely as a unique and truly universal process of development, *philosophia quaedam perennis*, understood after the manner of Leibniz, or better of Hegel, in which every system has its truth, which cannot be the truth of its own time without being the truth of every time. . . .' <sup>3</sup> If the development of philosophy historically is the expression of the necessary mode of existence of philosophy, then any historical form of this development cannot simply be ignored, or dismissed in the light of the fuller conception which we may have to-day. The ancient conception is as necessary as the modern which must somehow contain the ancient—the present explains the past. This means more than that 'the truth' of the ancient must be

<sup>1</sup> *Theory*, Ch. IV, p. 43. Cf. Ch. II, pp. 15–17.

<sup>2</sup> *Ibid.*, Ch. IV, p. 48.

<sup>3</sup> *Logica*, I, Pref., pp. v and vi.

contained in the new, a view which is found in Bergson's solution of the relation of past to present in the problem of the freedom of the will.<sup>1</sup> There really is a nature which is independent of mind—from a certain point of view; there really is a past which we cannot change—if we think so. 'There is also in what is thought, taken in itself, a double nature, and its intrinsic contradiction is a form of the restless activity of thought. What is thought cannot be what is not thinkable because it is what is thought, and it is what is thought just because not thinkable. The thing thought is thing, nature, matter, everything which can be considered as a limit of thought, and what limits thought is not itself thinkable.'<sup>2</sup> 'But if we are now asked: Can we think that this reality which confronts the mind, and which the mind has to analyse, a reality therefore which is a presupposition of the mind whose object it is, is spiritual reality? We must answer at once: No.'<sup>3</sup> There is room for the abstract as well as the concrete logic, and the only flaw in the abstract logic is its taking itself to be concrete. A place in philosophy has to be found for the ancient without loss of its old meaning, except to the extent that it is no longer to be thought in itself a complete and sufficient philosophy.

This conservation of the values of events brings a new importance to history, on which point Gentile is in general agreement with Croce. History and the condition of history—temporal change—are no mere illusion, nor even the mere appearance of a reality which is eternal. The changing world of history has its value and so its reality, but according to Gentile it is better to say that history is philosophy than vice versa. He does not identify reality as a whole, or the complete meaning of reality, with history rather than with philosophy, for he does not admit that the latter lacks the concreteness of the former. 'History . . . is rationally reconstructible history. . . . A choice of material is inevitable; and a choice requires a criterion. And the criterion in this case can only be a notion of the philosophy.'<sup>4</sup> ' . . . The history of philosophy which we must keep in view if we are to see it as identical with philosophy, is the history which is history of philosophy for us in the *act of philosophising*.'<sup>5</sup>

Unlike Croce, Gentile does not identify reality as a whole, or

<sup>1</sup> Bergson, *Essai sur les Données Immédiates de la Conscience*, *passim*.

<sup>2</sup> *Theory*, Ch. XVII, p. 258.

<sup>3</sup> *Ibid.*, p. 22.

<sup>4</sup> *Ibid.*, Ch. XIII, p. 211.

<sup>5</sup> *Ibid.*, p. 213. Cf. 202.

the complete meaning of reality, with history rather than with philosophy, for he does not admit that philosophy lacks the concreteness of history. 'The identity of philosophy with its history is the typical form and culminating point of the resolution of temporal into eternal history, or indeed of the facts of mind into the concept or spiritual act. It is the culminating point, because philosophy is the highest and at the same time the concretest form of spiritual activity, the form which judges all the others and can itself be judged by none.'<sup>1</sup> Croce asserts that all history is contemporary history, that is to say, history, like philosophy, is a process of which the reality is the present. But there are differences within the fundamental identity of history and philosophy. History, he says, deals with the individual, philosophy with the mere universal—so that history is the more concrete and therefore more adequate conception of the real. To meet this contention, Gentile criticises Croce's theory of the nature of universals. According to him, the universal transcends the particular, but is not real except in the individual which is always history.<sup>2</sup> On this ground, greater concreteness is assigned to history by Croce. Gentile, however, holds that both universal and particular are real only in the concrete 'individual' which he identifies with philosophy, and not with history. By this is meant that philosophy is not a mere 'general' concept, but an individual of which past and present together form the reality. History, on the other hand, shares what is (from the point of view of concrete reality) the defect of the natural sciences; that is, it seems to deal with a reality opposed to mind or bare object. It supposes the series of past events to exist independently of the historical narrative which is 'about' them.<sup>3</sup> It can therefore, as we shall see, be contrasted with art which appears to itself to make its object. Philosophy has the merit of art—its stress on subjective activity—and in addition the objectivity of history which is not realised by art. In philosophy account has to be taken of the object, but it is an object made by the subject. In the Aristotelian philosophy the mind's power of analysis shows the object set up in opposition to the subject; in the philosophy of Gentile it is acknowledged to be real but shown to

<sup>1</sup> *Theory*, p. 215. Cf. note to Ch. XIII, pp. 217–9.

<sup>2</sup> Croce, *Logica*, Pt. II, Cap. II and IV; and *Teoria della Storia*, Ed. 2, Appendix III.

<sup>3</sup> Cf. *Theory*, Ch. XV, p. 230.

remain within the concrete subject by the synthesis of subject and object in the mind as pure act.

Brief mention may be made of Gentile's treatment of art and religion. It is natural to compare his view with that of Croce. Gentile says that philosophy has to recognise the unity of particular and universal in the concrete individual. His concept of reality, as we said above, is that of the immanent universal. Art is a 'moment' of this concrete reality. Gentile agrees with Croce in saying that it is intuition or expression; it is the act of the subject. '... Art is the form of subjectivity, or, as we also say, of the mind's immediate individuality.'<sup>1</sup> It is therefore to be distinguished from the concrete act which is living or philosophising—that is, self-conscious act. Art is un-self-conscious act. It is lyrical, the expression of the pure subject as such, the subject which has not made itself an object to itself. But Gentile dissents from Croce's view that it is to be distinguished as an image-forming or individual act from a universal or conceptual act. So far as it is the act of the subject, it is both; for the universal does not transcend the individual, and the individual is nothing but the realisation of the universal. Gentile's philosophy of art gains by avoiding the over-done contrast of universal and individual which is apt to lead to criticism of the whole expressionist view of aesthetic on the ground that individual and universal are one reality. Gentile gives art its place as a pure subjective activity, but does not suppose it to exist independently of an object. By his analysis of the concrete act of mind, which distinguishes within the whole moments or aspects, we oppose the subjective aspect of mind to the objective aspect, or mind as being conscious to the objects of its consciousness. The one aspect may be called the moment of art, the other the moment of religion. Art and religion are united in the concrete reality which is philosophy.

According to Gentile, religion is distinguished from art by belief in the transcendence of the ideal as a perfect reality which is not the reality of this world. Its characteristic tendency is towards worship, the glorification of the object which is opposed to the subject, strange to it, and in its infinity, essentially unknown. 'Religion may be defined as the antithesis of art. Art is the exaltation of the subject released from the chains of the real in which the subject is posited positively; and religion is the

<sup>1</sup> *Theory*, Ch. XIV, p. 233.

exaltation of the object, released from the chains of the mind, in which the identity, knowability and rationality of the object consists. The object in its abstract opposition to knowing is the real. By that opposition, knowing is excluded from reality, and the object is therefore *eo ipso* unknowable, only affirmable mystically as the immediate adhesion of the subject to the object.<sup>1</sup> Both religion and art alike are abstractions when regarded from the point of view of philosophy; this is proved by the fact that, if we treat them as concrete, they escape from us and turn into each other, as Hegel has shown that abstractions must do. Art, the pure subject, does not know itself, and therefore is like nature, a mere object; religion, the pure object, is so alien from the subject that it is unknown to it, and leaves us with the mere subject. The object only has reality for us if we are prepared to recognise that it is not the bare other of the subject. It is the subject itself in the moment of consciousness. Therefore religion has a peculiar work of its own to fulfil. The moment of consciousness, the recognition of an object which can be known only by immediate intuition, is necessary in order that self-consciousness, the mediate intuition, may be realised. It provides the mediation of the self. 'The reality which has been realised is necessary therefore in so far as it is contingent, while the reality in its act of realising itself is necessary as the relation between the principle and that of which there is a principle during the course of a development: an a priori relation, and, as such, truly necessary in respect to the terms of which it is the synthesis.'<sup>2</sup> The religious position follows logically from the scientific opposition of object to subject. So long as science is purely scientific (not philosophic) it assumes that its object exists independently of the subject. It inconsistently holds that this independent object can be known as it is in its independence. Once the relativity of object to subject in knowing is recognised, the 'independent' or 'real' object becomes a thing-in-itself, and is left to metaphysical speculation or religious adoration. Hence the possibility of Spencer's reconciliation of science and religion in their impotence before the 'Unknowable.' Scientific and religious thinking encounter a problem soluble only by philosophical thinking. Yet the value of their analysis of reality into subject and object which is correct *as* analysis must be recognised by concrete thinking which is philosophy. Subject

<sup>1</sup> *Theory*, pp. 26-7.

<sup>2</sup> *Logica*, I, Pt. I, Cap. III, p. 80.

and object are aspects of the real subject which is not a substance but an act. For concrete thinking must grasp all aspects of the real, and the results of analysis make this possible. Religion can never disappear (as Croce thought it could) in philosophy; because it is essential, it is eternal—perpetually present to be perpetually overcome. The analytic philosophy is necessary to the synthetic; and both the aesthetic moment of pure subjectivity, and the religious moment of abstraction from the subject, are necessary to the concrete reality which is mind as pure act.

Gentile's defence of the scientific and religious positions, his recognition of their necessity to the concrete reality of thinking—is perhaps an improvement upon Croce's theory, according to which science is a practical not a theoretical activity, and religion is aesthetic and mythological. The apparent long-livedness of religion makes it probable that some truth in it is keeping it alive; while progress in science at least appears to be a progress in knowledge.

There are various problems of long standing in philosophy with which any new philosophic system is expected to deal. One of these is the problem of error, and perhaps even a sketch of this kind should include an outline of Gentile's opinion. It is essential to his position that the object of mind is within mind; if it were outside, there could be no understanding of the possibility of truth. There could not be, at the best, more than 'mere opinion.' But does the introduction of the object within mind mean that while truth is possible error is impossible, for this would seem to be contrary to fact? Gentile says: 'When once the concept of reality as self-concept is understood, we see clearly that our mind's real need is not that error and evil should disappear from the world but that they should be eternally present. Without error there is no truth, without evil there is no good, not because they are two terms bound to one another in the way that Plato, following Heracleitus, said pleasure and pain are bound together, but because error and evil are the non-being of that reality, mind, the being of which is truth and goodness.'<sup>1</sup>

Error cannot well be accounted for on any idealist philosophy according to which reality is already realised. Why should the mind fail to know a reality which is ready for it to copy and within the grasp of mind—a reality which is its own achieved purpose? But according to Gentile, reality is not already realised. It is

<sup>1</sup> *Theory*, Ch. XVI, p. 246-7.

not being, but becoming. Truth, like reality, is a process. No truth perishes utterly; not even the 'truth' that there is a 'nature' outside mind is quite worn-out or false. On the level of non-philosophic thought, mind and reality, subject and object, can be regarded in abstraction from each other. The mind which is thinking, on this level, is not infinite mind, or *pensiero pensante*; it is contrasted with the object of thought, and does not contain it. E.g. a tea-cup is not mind, nor is it mental.<sup>1</sup> Error occurs when this abstract treatment of the object of mind is thought to be concrete—it is the assertion that we know that we know what we do not know, the taking of brute fact for philosophy. It is an error to assert that the object which we call a tea-cup exists independently of all mind, and in this independence is a tea-cup still. On the concrete level of the activity of mind, where the object certainly is included in thinking or mind as *pensiero pensante*, error is present only as a mode of truth—the moment of negativity which is essential to becoming. Because reality is changing, whatever can be said of it is true, but also ceasing to be true. If it remained true, reality would be a static object, not a process. Any philosophic doctrine remains true only so long as it can remain a living thought—in other words, itself a developing reality. By this Gentile means that the reality which is becoming is only in so far as it is *not*, but becomes, a statement which is more than a verbal paradox. It can be understood by an appeal to experience of reality, an exercise of that sympathy to which we have referred.

Gentile's philosophy is a reconciliation of the old and the new philosophy, or the Aristotelian and the Hegelian. It shows the value of the old philosophy with its opposition between mind and nature, and so finds a place for the theory of truth according to which it has its standard beyond the mind, as well as for the theory according to which the standard is within. Not all idealist philosophers have thus been able to give a reason for the sound sense there is in the old view of truth, and its perennial attraction. The sciences and history are not 'false' nor are they merely practical. The sciences, and the common sense out of which they have grown, are the truth about reality as an object of mind. They do not recognise, and have no need to face, philosophical problems, but they must not criticise philosophical solutions, which appear (and merely appear) to clash with the

<sup>1</sup> Cf. *Theory*, p. 22.

sciences and common sense. The Aristotelian conception of truth has a work to perform in modern philosophy, because it gives an analysis of the object of mind in abstraction from the subject which a synthetic philosophy as such cannot perform, but without which it would itself fail to be synthetic. Since it is perhaps an over-refinement of thought to deny to the sciences the name of knowledge, a view which has room for both scientific and philosophic knowledge within its system is more likely to be true than one which merely opposes them. The view of Gentile here has an advantage over that of Bergson. The latter argues that the thought which knows the real, which is a process, must be itself a process. Finally we arrive at the identification of the thought with the reality—all that is, in order to be known, must become the subject. 'The thought which is true thought must generate the being of what it is the thought, and this precisely is the meaning of the Cartesian Cogito. I—this reality, which is "I" . . . this "I am" is in so far as I think. I realise it in thinking, with a thought which is myself thinking. The "I" . . . only is in so far as it is self-consciousness. The "I" is not a consciousness which *presupposes* the self as its object, but a consciousness which *posits* a self.' <sup>1</sup> It is true that the view that becoming is the nature of reality or that change is ultimate is certainly bound up with the intuitive view which tries to pass beyond the merely intellectual. But while Bergson does not try to support the view of the real as a becoming by intellectual arguments, and instead throws discredit on the intellect, Gentile tries to work with a unity of intellect and intuition. This unity he finds in concrete thinking, pensiero pensante, which is a *mediate* intuition including within it the thought of the past or pensiero pensato; and it gives us concrete philosophical truth.

Concrete thinking is the same in all finite minds; the transcendental subject is one—thinking thinks in us. Such a thinking is no mere finite thinking taken in abstraction from other finite thinking, and from the objects of the thinkers.<sup>2</sup> The thinking which is the real is the creator of such finite thinking, and of the reality which is thought. Like Berkeley, Gentile says that *esse* is *percipi*, while he does not say that to be is to be thought by *finite* beings *as such*. But Berkeley's error was to make the thinking which thinks the real, and thinks in all finite

<sup>1</sup> *Ibid.*, Ch. VIII, pp. 100–1. Cf. *Logica*, I, Pt. I, Cap. I.

<sup>2</sup> Cf. *Theory*, Ch. I.

thinking, *transcend* such reality and finite thought. The philosophy of Gentile aims at showing the immanence of what Berkeley called the Divine thinking, and of what Kant called the transcendental ego, in finite thought and reality, as against the opposition the older idealist philosophers made between infinite and finite. The proposition 'Reality must be thought by me' teaches immanence. It is this proposition which experience gives us. We cannot therefore retain the part 'Reality must be thought' and omit the datum 'by me.' Yet, as Berkeley saw, reality is not thought by the empirical ego, the self which distinguishes itself from other selves. We think reality only when other selves in principle agree with our thinking. This means that reality is thought by the transcendental ego which is one in all thinkers, whether human or divine, because it is reason. The very conception of transcendental self is one which Gentile's philosophy supersedes because it is tainted with the implications of a mysterious substance. All that is real is in the act—we do not gain by referring the act to a self. That reality is not the mere created object of an ego, nor yet a mere unknowable subject, but is to be identified with transcendental (not transcendent) thinking, Gentile's entire philosophy, with its union of thinking, activity, and reality, is the attempted proof.

This view of Gentile that Reality is the concept or Mind as Pure Act is known in Italy at least as the new idealism. It is idealism because it takes its place in the line of those philosophies which have taught that the real is mind; it is new, because it is the latest development of this theory. Gentile himself traces the descent of his thought from that of Berkeley through that of Vico and Hegel to its ultimate form as pure Actual Idealism. The earlier thinkers, in spite of increasing stress on the immanence of mind in reality, retained the notion of transcendence under the impression that in some form it was necessary—as God the thinker and creator of all ideas, or as Providence guiding the acts of mankind, or as infinite Mind, a goal beyond the reach of the finite. Gentile develops the logical consequences of immanence. Mind cannot transcend matter, for such a proposition is convertible, yielding a disguised materialism. Immanent mind is to be identified with reality, it is neither above it nor below. Hence it cannot be a contemplation of reality, a mere thinking about something other than thought. It is self-conscious activity, than which there is no other reality. Reality and value, theory and practice,

are no longer severed in the new idealism which harmonises the most difficult opposites in the concrete concept of Reality as Pure Act.

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## THE PROBLEMS OF PSYCHOLOGICAL MEANING

THE meaning of the word 'meaning,' as applied to symbols, and more particularly to the symbols we term 'words,' is that the symbols in question stand for certain objects known to the individuals who communicate with each other by means of the symbols. The man who asks, in relation to a set of sounds, an arrangement of lines, or a grouping of patches of colour on a flat surface, 'What does this mean?' considers that he has been answered when he is told for what objects these things stand. He may complain of the way in which the symbols themselves have been fashioned, he may regard them as inadequate, he may ask why these representations rather than others have been chosen, and he may question the competence of the person who claims to interpret the symbols. But he will not object to the general form in which the meaning is stated; to the substitution of the given symbols for word symbols, which refer him ultimately to an object, or to a number of objects standing in certain relations to each other.<sup>1</sup>

The word 'object' is to be understood as applying, not merely to physical objects, but to whatever may be an object of experience or of thought. In this sense, hypotheses are objects equally with the facts they subsume, and with the physical objects observed for the purpose of obtaining these facts. Relations between things, again, are as much objects as the things themselves. It is in this extended sense that we use the word 'object' when we say that the meaning of a symbol is known when we know the object it denotes.

At this point the problem of *psychological meaning* may be said to begin: the problem, not of the meaning of symbols which denote objects, but of the meaning of the objects themselves. The real difficulty here is to indicate with clearness precisely what is being sought, but some hint of the nature of the problem is given by a fairly common use of the word 'meaning.' Often

<sup>1</sup> See *The Meaning of Meaning*, Ogden and Richards. (London: Kegan Paul.)

enough, in deploring the loss or breakage of an object of little intrinsic worth, people say: 'I would not have lost it for anything. It means so much to me.' Obviously, the sense of the word 'means' would appear to be different in character from that assigned to it in what we have already said.

It is in this psychological sense that stamps mean a great deal to individuals who spend money on them and take infinite pains to collect them; games to people who neglect business and professional affairs to play them; drink and drugs to those who sacrifice careers in order to indulge in them. The pathological character of this last instance does not in the least affect the general character of the problem, since the pathological differs here from the normal only in a certain excess, which may conceivably, by presenting to us on an exaggerated scale some of the factors involved, make easier our general quest for the discovery of the 'meaning' of the object of the appetite.

It is obviously true that some objects possess widely different intensities of meaning for different people. The meaning of a relic or a cult object to a devotee is something that cannot possibly be accounted for by any consideration of the substantial nature of the object, and the man to whom it means no more than this remains indifferent or shows irreverence. A historical document means a great deal more to a historian than to another: and this consideration raises the nice point whether it means more to him because he is a historian or whether he is a historian because the document possesses an unusual amount of meaning for him. Exactly similar problems to those raised by the devotee and the historian are raised by the philosopher, the musician, the mathematician, the geographer, the chess enthusiast: by all those, in brief, who evince intense interest in objects which other men regard lightly, with indifference or with contempt.

Our objective evidence of the existence of the varied meanings a single object possesses for different individuals is the behaviour of the individuals towards these objects. The worshipper at Stonehenge probably behaved very differently from the tourists who visit the ancient stones and from the members of the crowds which assemble to see the sun rise above the altar stone. But we should go too far if we were to assume, with the behaviourists, that behaviour *is* meaning.<sup>1</sup> The evidence of something is not the thing itself.

<sup>1</sup> See John B. Watson, *Psychology from the Standpoint of a Behaviourist*.

Nevertheless, though we cannot go the whole way with the behaviourists, we are compelled to recognise that behaviour stands in close relation to psychological meaning. We recognise, too, that if wide differences of meaning are indicated by widely differing behaviours, there are also slight differences to which attention should be paid. In the case of two men, to one of whom an object means more than to another, the behaviour of the former will be marked by an intenser concentration than that of the other. Attention will be more marked, and attention is merely the objective aspect of interest.

When we say that an object 'means much' to an individual, we at least imply that it interests him a great deal. It may be that interest and meaning are ultimately identical. This we can hardly say at present, for 'interest' itself, after some generations of mishandling by educationists, is sadly in need of serious re-examination and of proper placing in modern psychology. Be this as it may, it appears that interest, as well as behaviour, stands in close relation to psychological 'meaning.'

The psycho-analytical view of human behaviour compels us to seek some part of our explanation of psychological meaning in terms of the more general meaning spoken of at the beginning of this essay. For the psycho-analyst looks upon all the objects in which we feel interest and to which we respond by means of our behaviour, as symbols; deriving at least some part of their meaning for us from the fact that they stand for other objects, with which they have become associated through experience. Of this meaning we are unaware. Nor can we become aware of it except through a particular type of experience, which at once divests the symbolic object of its meaning. Merely to read or to hear that such and such an object is a symbol of another affects neither the meaning of the object or our behaviour towards it. Ultimately we discover that the object in which we feel interest, and towards which we react, stands as a symbol of some object of a primary instinct.

Beyond this, it seems impossible to go at the moment. But, if we are able to look upon all the objects in which men are interested as symbols of the objects which enter into primary behaviour configurations, it would seem that we have not solved our problem of psychological meaning, but have merely encountered it finally in the instincts themselves. Ultimately, our

problem becomes that of discovering the 'instinct meaning' <sup>1</sup> of the object of the instinct.

Our present conception of a psychological instinct invariably includes the notion of an innate tendency to be interested in and to attend to certain specific objects and to behave specifically towards them. McDougall adds to this the tendency to experience specific elementary feelings or 'primary emotions' which are specific to the instinct. Drever emphasises the difference between instincts which operate in the absence of the object and initiate seeking behaviour (appetites) and those which operate only when the object of the instinct is present. There are great differences of opinion as to whether some forms of behaviour are to be regarded as instinctive or as learned, and experimental evidence is obviously difficult to obtain. These differences result in further differences in the lists of instincts which psychologists give us, in attempts to classify the instincts, and in opinions as to whether the various instincts are to be regarded as primary or derived. Probably our definition of an instinct as an ideally simply configuration of behaviour towards an object, organised independently of learning, is to be regarded as true; whilst we admit the practical difficulty of deciding whether this or that individual piece of behaviour conforms to the definition.

The term behaviour is limited, in ordinary language, to motor behaviour. The psychologist would broaden it to include visceral and endocrine behaviour: the whole series of bodily changes which begin with attention to or search for the object and end when the configuration is closed. Only when the instinct is awakened does this occur, and only the following out of the whole series of behaviour elements, in proper sequence, permits to the organism a particular type of experience. If, therefore, we derive all behaviour from simple instinctive types, specific in character, we must derive all experience from specific types of experience. Ultimately, therefore, the meaning of an object will depend upon the instinct object for which it stands, and the experience which results from the performance of instinct behaviour in respect of the instinct object.

One of the most interesting attempts, and perhaps the most brilliant of all, to explain the meaning of objects is that which makes use of the conception referred to under the name of the

<sup>1</sup> This term is Drever's. See *Instinct in Man* (Cambridge: The University Press).

'Oedipus complex.'<sup>1</sup> The notion of an Oedipus complex usefully subsumes the earliest configurations of behaviour of children towards people, and more particularly towards parents. Typically, it is a derived configuration, taking its origin from simple fear, sex and hunger reactions. Its great importance lies in the fact that many apparently complex types of adult behaviour may be reduced to it by a series of substitutions, simple or complex in character. Not merely behaviour in the ordinary sense, but dreams, daydreams, myths, legends, popular novels and stories, folk and fairy tales and some systems of philosophy, may be reduced, by means of appropriate substitutions, to special cases of the more general Oedipus formula.

The fact that this is possible is of far more importance than the popular contention that the result of the substitution is an absurdity. It may be pointed out that attempts to reduce  $a^2 + b^2$  and  $a^2 + b^2 + c^2$  to factors of the first degree led to results which seemed to mathematicians at the time, and still seem to the non-mathematical of our own day, absurdities; though the further examination of these apparent foolishnesses opened up new and fruitful fields of mathematical discovery.

There is, then, a tendency at the moment to believe that the varied objects of the world which interest men and women do so because they are 'symbols' of the objects of instinct situations. The substitution of one object for another in this sense appears to be a well attested fact, and it is asserted that some at least of the substitutions which are made are constant in all men: the confidence, however, is premature, since investigations so far are practically limited to members of European races, or to people brought up according to European traditions. Other substitutions appear, on the other hand, to be personal and individual. The discovery of a 'personal' symbolism, however, does not necessarily imply that a 'universal' symbolism is not also present, since in connection with an object which is a symbol different layers of meaning exist.

<sup>1</sup> Professor Rose has pointed out to me that other names, more suited to describe the behaviour in question than that of Oedipus, might have been chosen. I am further aware that the word 'complex,' in the mouths of people who prate glibly of 'inferiority complexes' and the like, has lost much of whatever useful meaning it possessed when it was first used. Nevertheless, the term 'Oedipus complex' has a very definite meaning in serious psycho-analytical literature, and it seems inadvisable to attempt to change it.

An important consideration which has not as yet received sufficient attention arises from the fact that the 'Oedipus complex' is the primary configuration in which people are the objects. We should be inclined to believe that all adult behaviour towards people is strictly reducible, by means of appropriate substitutions, to the Oedipus formula. We have in such a consideration the basis of an evolutionary social psychology, something very different from the medley of psychology, social anthropology and descriptive sociology which at present passes under this name. We realise, however, that the 'Oedipus complex,' as we know it, arises within a family of a certain type, and owes its special structure to the nature of that family. It is, if we may use a mathematical analogy, a special form of an equation of a certain degree. Other special forms may exist, denoting configurations very different in character. Thus, in elementary analytical geometry, the curve of the second degree may represent, under special conditions, forms so various as the pair of straight lines, the circle, the ellipse, the parabola and the hyperbola. And the family, which as we know it gives rise to the well-known Oedipus situation, may, in special circumstances, give rise to other situations, differing from it in many ways. Since this argument was first advanced as a hypothetical speculation, the work of Malinowski among the Trobriand islanders, with a family organisation differing widely from our own, has shown the probability that their primary social behaviour configuration is strikingly different from that which is the rule with ourselves.<sup>1</sup> This new work suggests very strongly that differences in the adult behaviour of various racial groups can be studied fully only in the light of the investigations into the family organisation and of the situations in which the child's primary reactions towards people are organised. The adult reaction towards people is closely related to the meaning of people, as objects, and at least some part of this meaning, it would appear, is borrowed from the earliest reaction towards the people for whom other people are, in part, but symbols.

Not people only, but things also. Children are accustomed, in play, to treat objects as if they were people. Adults, too, in a variety of behaviour which ranges from games to acts of adoration, extend to things responses appropriate only to people: and such

<sup>1</sup> Malinowski, *Sex and Repression in Savage Society* (Kegan Paul); *The Father in Primitive Psychology* (Kegan Paul).

reactions may, by substitution, be reduced to the Freudian Oedipus formula. There may be apparent exceptions, such as those which the late Dr. W. H. Rivers adduced on the basis of what would appear to be inadequately analysed material.<sup>1</sup> More and more, as McCurdy points out, psychotherapists discover that only the Freudian formula enables them to assign meaning to the material they are compelled to examine in their daily work.<sup>2</sup> But the acceptance and use of a formula are, however, very different from understanding it and realising fully the nature of its implications, and thus a fuller investigation of the Oedipus formula has come to be urgently demanded in modern psychology as a necessary preliminary to the solution of the problem of psychological meaning; more particularly of the psychological meaning of those persons and objects which determines the social reactions of the individual and the group.

GEORGE H. GREEN.

<sup>1</sup> Rivers, *Conflict and Dream* (Kegan Paul); Green, *The Terror-Dream* (Kegan Paul).

<sup>2</sup> McCurdy, *The Psychology of Emotion* (Kegan Paul), pp. 92 ff.

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rex utitur iniqua ditione contra pacem.  
**S**ed et regis debet huiusmodi iniqua  
 inquit, regina agere penitencia contra pacem.  
**H**ebogit debet huiusmodi contra huiusmodi  
 contra apud huiusmodi ut gite & digni  
 fiant cywete ad pacem ad accipitres.  
 tui regis. Eum huiusmodi accipiendo regis.  
 aut bwn aut huiusmodi nentis aut  
 cheretis in illa die rex debet eis servire.



.i. tenet scilicet ei dum descendit  
 ad legandum accipitres ab auid; capet.  
 & tenet equum ipsi dum agat. & tenet  
 scilicet ei dum ascendit. & in illa nocte  
 rex debet eum honorare de fectis suis.  
 Accipitres uero pocius debet si fuerint  
 a pocius. Non debet accipitres pocius iacula  
 a tres dies in anno ut in clinet & aures  
 negligat. Non tamen potest huiusmodi iacula  
 in quo pocius sui pocius & aures ad

hospitium. Si occiderit accipitres equum  
 sui causa accipiendo ut modo monat.  
 alium tamen debet huiusmodi auge in illa die.  
 Equus enim: pocius duorum equorum de pocius  
 debet huiusmodi. Eum & omni nati accipitres  
 .i. huiusmodi. & omni nati que in illa curat.  
 ipsi sunt. Accipitres in hospitio suo ha  
 bebant. .i. unum dicitur plenum cum tribus; acc  
 nibus. Ex quo in cludat accipitres regis  
 in muris suis: donec eos fecit pocius.  
 si debet alium responde de ulla calumpnia  
 recte enim est circa auct. Rite debet  
 huiusmodi super nullas regis semel ianno &  
 de quolibet ulla iustitia. .iii. .8. legi:  
 ut quem fecit habebat in nati accipitres.  
 Videri autem debet huiusmodi pocius. De huiusmodi in  
 de nullis qui iudicant cum dicitur capet.  
 tui regis. idem dicitur omnia iudicia curat.  
 designabatur omnium curatibus in nati  
 accipitres. Duos sal de iure debet ab illo:



A PAGE FROM PENIARTH MS. 28, IN THE NATIONAL LIBRARY OF WALES.  
 The oldest known copy of the Laws of Hywel Dda. Latin, late XIIIth century.  
 The illustrations represent the falconer and the judge.

Dylly a brachur . 11 . of maw

dylly ebreyn . wdeh cyfste en er estauol nant gw  
 canarthu or estauell hyd ekebyn . ynaud en dym  
 edyn aguenel kam hyd an dylly ebreyn . ac en  
 ten hyd enyhoghel . of adely fham y kam holl luy  
 dgyr ebreyn eregthau ay hee emderthou  
 aduy ran ydau of . of adely pedeyr . k . oar yunt  
 ebruyol . eregthau an hoken . aduy ran yda of .  
 of adely yhall reyt ykam dylly ebreyn en dy  
 uellur . ylaract en ybyu a viyr or yant . yf  
 uerch en vi byu a viyr myn kany ar derchamuel  
 r eyl en er eferuut . eurenynel . of adely ytyr  
 en ror ar nareh . ay lyei ay uredy yka eure an  
 bron . of traw . of decum eure ac aperch . ar  
 er estauell . of adely . iii . k . opop ynleyl agores ar  
 odho eurenynel . of adely vhothum apaub aperch  
 end aroy of adely dyllat eurenynel er hum ype  
 ntyo e endau erby epale . of adely bendyem  
 adel omuyt ally yr estauel . ylety vhyd ac efer  
 y ebreyn enty eelodchyd ynaud en hyd ereg  
 luyt nellaf . ylaract herunt brant senet . yf  
 uerch hermyd brynt ekenodel ac euelly  
 pop grahm .

Credyt en pongualtunt eurenynel . of ad  
 ely ytyr en ryd . ay nareh ay lyei ykam euren  
 ynynel . ay urechgyr ykam ebreyn . of adely  
 . iii . k . opop march an cho eurenynel . enten ade  
 ly roy kebylt kan bob un ylety yky apogualt  
 ebreyn . ynaud en med rey hyd an pognaltit



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*With the  
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## SETTING

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## HYWEL DDA : THE HISTORICAL SETTING

I HAVE been asked to preface this volume of studies with some account of Hywel Dda, the traditional author of the Welsh legal system, in his historical setting. It is, no doubt, the case that the Welsh Laws, as preserved for us in MSS. of the thirteenth and fourteenth centuries, can be profitably studied as a body of mediæval usage, quite independently of their supposed origin in the tenth century, and without reference to the particular ruler whose name they bear. But the historian cannot avoid facing the historical problem and asking himself what elements of truth underlie the traditional account. He will be tempted to enquire whether there is any real justification for associating studies in old Welsh Law with the commemoration, in 1928, of the Millenary of Hywel Dda.

Hywel, at any rate, is more fortunate than some of our national heroes, for example, Arthur and St. David, in that he cannot, for want of contemporary evidence, be banished by sceptical historians to the region of myth. Harleian MS. 3859, though late as a text, is recognised as embodying tenth-century material; in the chronicle, no event is recorded after 954 and the genealogies are clearly of this period. It is important, therefore, to note that the chronicle records the journey of 'Higuel rex' to Rome under the year 928 and the death of 'Higuel rex brittonum' under 950. Further, the genealogies show him as the son of Cadell ap Rhodri (Mawr) and his wife as Elen, daughter of Llywarch ap Hyfaidd, the last prince of the old line of Dyfed. Nor is external testimony wanting. The Winchester MS. of the Anglo-Saxon Chronicle mentions (under 922, but the year should be 918) the submission of Hywel, his brother Clydog and Idwal (Foel) of Gwynedd to Edward the Elder, and another MS. (D) includes Hywel, 'King of the West Welsh,' among the princes who in 926 submitted to Athelstan. Among the land-charters granted by English kings in this century are a number, ranging in date from 931 to 949, which are attested by Hywel, as one

of the magnates present at the king's court upon the occasion of the grant; he is variously styled 'rex,' 'regulus' and 'sub-regulus' and takes precedence of all other lay witnesses (sometimes even of bishops).

These notices, drawn from various sources, enable us without difficulty to outline the career of Hywel as a scion of the house of Rhodri Mawr, who by his marriage became lord of Dyfed and united it to the rest of South-West Wales in the kingdom of Deheubarth. His submission to the English, his frequent visits to the English court, and the absence of any reference—even in the critical year of Brunanburh (937)—to conflict with England may fairly be taken as evidence that it was the deliberate policy of Hywel to maintain friendly relations with the paramount power. War was not his vocation, but statesmanship. The visit to Rome, undertaken when he cannot have been much over thirty, suggests the vigorous intellect and the open mind; it was an adventure and an education, quite as much as an act of pious obligation. There is full warrant in the contemporary evidence for concluding that Hywel ap Cadell was a rather remarkable man.

But it should be observed that we have no tenth-century evidence for what is believed to have been the main achievement of Hywel, the work upon which must depend his right to a place in the gallery of Welsh national heroes. It is in the MSS. of the Laws, the oldest of which goes no further back than the last quarter of the twelfth century, that he is stated to have summoned to Y Ty Gwyn ar Daf an assembly representative of all parts of Wales and, with its counsel and consent, to have issued a code of laws which was thereafter recognised as authoritative throughout the country. Is there reason to accept this account as substantially true, or must we treat it as legend, with little foundation in fact?

I have, for my part, little doubt that the tradition is sound, and that historical criticism need not deprive our legislator of the laurels bestowed upon him by the Welshmen of the Middle Ages. There is, first, the evidence of the epithet 'Good.' It does not depend upon the language of the legal texts, for it is to be found in the chronicles known as 'Annales Cambriæ' and 'Brut y Tywysogion' and—what is still more important—in the oldest portion of the 'Liber Landavensis,' written about 1150.<sup>1</sup>

<sup>1</sup> Ed. Rhys and Evans, p. 241.

In no country has the epithet been lavishly bestowed, and in Wales there is no other example of its use. I conclude that, as a benefactor to his people, Hywel stood out in solitary greatness; what he did for them no other attempted, still less achieved. And the simplest explanation of his pre-eminence is to be found in the story related in the prefaces to the legal texts.

It should, further, be observed that these texts, in Welsh and in Latin, have clearly a long history behind them. They differ greatly among themselves and the Welsh MSS. even admit of being classified in three main divisions, representing three quite distinct editions of the laws. Alterations in the law are attributed to Bleddyn ap Cynfyn, who died in 1075. At the same time, there is a core of matter which is common to all—an original nucleus which it does not seem at all fanciful to refer to the tenth century. When we have arrived at this point, there seems to be no reason why we should deprive Hywel of the honour of having initiated and directed the movement which produced the first draft of these laws. It is to be borne in mind that the attribution to Hywel is far from resting upon the authority of the prefaces: 'cyfraith Hywel' is constantly referred to in the texts and always as the old law, venerable and august, but not incapable of amendment to meet the requirements of a later age. If we except the shadowy Dyfnwal Moelmud (the convenient stalking-horse of the theories of Iolo Morgannwg), there is no suggestion in Welsh literature of any rival to Hywel Dda as lawmaker and codifier, and no explanation of the tradition is plausible save that it actually embodies the truth.

The case for the Whitland assembly is, of course, not so strong, for here we are solely dependent upon the prefaces, and the narrative is of a kind to encourage the growth of legend. But, in regard to the place of meeting and the character of the assembly—matters as to which all the extant MSS. agree—I am disposed to credit the traditional story. Y Ty Gwyn ar Daf was in the heart of Hywel's original realm of Dyfed, where it would be natural for him to feel most at home; it is otherwise of little account in the history of Wales,<sup>1</sup> so that romance had no special motive for locating the incident here. The unique constitution of the deliberative body, with its six representatives from each

<sup>1</sup> The Cistercian abbey was, I believe, for a short time located at Y Ty Gwyn, but during most of its history it was a mile away, in the valley of the Gronw.

cantref, rather tells in favour of the narrative, for there were certainly no parallels to suggest it to an ingenious fabulist. It should, of course, be clearly understood that we cannot import into the proceedings the idea of popular election; the local representatives were called together by the king himself.

It is not difficult to find legendary accretions in the story, as told in some of the texts. The preface to the Dimetian code is particularly rich in unsupported detail, and I am not prepared to accept the tale of the Lenten fast of the king and the assembly, of the three copies of the law kept at three royal courts, and of the visit to Rome to obtain papal confirmation. Nothing is better authenticated in Hywel's history than his visit to the Holy City, but in 928 he was in no position to impose a code of law upon the whole of Wales. Idwal Foel was at that time securely planted in Gwynedd, and possibly in Powys also. It was not until the death of Idwal in 942 that the opportunity arose for an extension of Hywel's authority to North Wales, and there are good grounds for thinking that he then took advantage of the situation and was thus, in the last years of his life, king of all Wales. If this view be correct, the great legislative achievement attributed to him by tradition must be dated between 942 and 950, and can have no connexion with the pilgrimage to Rome.

History, therefore, does not preclude us from celebrating the praise of Hywel Dda as the chief agent in laying the foundation of the edifice of old Welsh Law. That he did more than make a beginning we need not suppose; Welsh lawyers were trained specialists, competent masters of their craft, who were quite equal to the building up of an elaborate system on the principles which had been handed down to them. They were the men who set forth such maxims as these—

The law will not undo what it has done.

With like circumstances, there should be like judgments.

Law and truth cannot always go hand in hand, yet often they do so.

Right is not due to him who will not give it.

Of no part of our mediæval inheritance have we better reason to be proud than the legal, and without Hywel it does not seem likely it would ever have come to full fruition.

J. E. LLOYD.

# THE LAWS OF HYWEL DDA IN THE LIGHT OF ROMAN AND EARLY ENGLISH LAW

## I. INTRODUCTION

THE Code of Hywel Dda stands somewhere between the great Code of Justinian and the fragmentary Codes of the Anglo-Saxons. The contrast appears from the prefaces or supplements. In the constitution *De Justiniano Codice confirmando* appears the clause :

‘ We forbid all pleaders and advocates to quote, under the penalty of making themselves guilty of fraud, any other constitutions than those which are inserted in our Code, or to quote otherwise than is written there ; for these constitutions, together with the works of the ancient interpreters of the law, must suffice to decide all suits.’

On the other hand, if we quote the best English Code which possesses a preface,<sup>1</sup>

‘ I, King Alfred, have collected these laws and have given orders for copies to be made of many of those which our predecessors observed, and which I myself approve of. . . . For I have not dared to presume to set down in writing many of my own, for I cannot tell what will meet with the approval of our successors.’

The purpose of Hywel Dda, however, according to the Preface to the Dimetian Code,<sup>2</sup> is ‘ to form and systematize the laws and usages for him and his kingdom perfectly, and the nearest possible to truth and justice.’ The Preface proceeds<sup>3</sup> :

‘ And then he fully promulgated the law among the people, and he supported it with his authority ; and the malediction of God as well as theirs, and that of all Cymru, was pronounced upon such as should not thenceforth observe it in the manner then set forth ; unless altered by the concurrence of the country and the lord.’

<sup>1</sup> ‘ Laws of Alfred,’ Ed. Attenborough, 63, in *Laws of the Earliest English Kings*.

<sup>2</sup> *Dim.*, Preface, ‘ Ancient Laws and Institutes of Wales.’

<sup>3</sup> *Dim.*, Preface.

The Code of Hywel Dda was therefore in the nature of a Consolidating Act; his object was 'y wnenthur y gyfraith,' to formulate the law rather than to impose it; it was an act of statesmanship rather than of sovereignty, the work of an administrator and not a jurist, and all through it bears this practical character. It did not purport to be a fundamental law, complete and authoritative like the Roman. On the other hand, it was far more than a partial and temporary record like the Early English Codes. Even the work of Canute, admittedly the greatest legislator of the eleventh century, is not as complete as the Code of Wales.<sup>1</sup> It is, however, not its completeness so much as its flexibility that has preserved the name and fame of the Code of Hywel, and through the changes of time, has made it a living law for so many generations that it is still a convenient starting-point for any consideration of the Laws of Wales.

It is true we do not possess the original Code; we have only variants of it, chiefly, though not exclusively, in the Venedotian, Dimetian and Gwentian Codes. Even these, according to the best judges, are two hundred and fifty years later in date.<sup>2</sup> To realize what this means one has only to imagine a Plantagenet edition of an Anglo-Saxon Code, with the necessary additions and alterations, if such a thing were possible. This does not mean of course that the original Code is lost; a great Code is never lost; like a foundation stone it remains part of the structure; the core of the old Book of the White House runs through the later editions. But it is dangerous to generalize about it, as dangerous as it would be to generalize about English Law, for example, in the year 1818, when the wager of battle might have been found alongside the law of negotiable instruments. In one way the later editions rather add to the value of the Code, for they are obvious attempts to adapt it to changing conditions; provided care is taken to overlook the ascription to Hywel for patriotic reasons of what is necessarily later in date, as was the custom of the jurists at Rome with the Twelve Tables.

The same consideration determines the value of the voluminous collection of Welsh Laws termed 'Anomalous Laws from various manuscripts.' Here are fifteen books of the most diverse charac-

<sup>1</sup> See *The Laws of Canute*, Robertson's edition, 138.

<sup>2</sup> Professor Lloyd, *History of Wales*, Chapter X. Note B; Sir Brynmor Jones, 'Foreign Elements in Welsh Mediaeval Law,' *Trans. Cymmru. Society*, 1916-17.

ter. Parts of them have no more authority than the 'Mirror of Justices.' One quotation alone will show how fictitious is the claim of the Thirteenth Book to antiquity<sup>1</sup>:

'Three primary obligations attached to the kingly office, to splendidly support itself; to establish the knowledge of political sciences, to be enabled to depend on constitutional right and law, and upon country and sovereignty; and to strengthen the protection of those who are true and loyal of the kindred and the community, and the protection due to *aillts* under the protection of the community.'

None of these terms and distinctions would have been possible at an early period. But there are parts of these Anomalous Laws which have the highest value, some of them precedents of pleading natural to a matured system, or decisions in keeping with the modern spirit; and they explain much that is ambiguous even in the authenticated Codes. In this tripartite system of Code, revised or varied Editions, and Anomalous Laws, we have in convenient form what may rightly be called the native Common Law of Wales.

It is not proposed to summarize that Welsh Common Law here; it is so formal, so exact, so full of careful distinctions, 'complexities of the law' as they are termed in the Tenth Book,<sup>2</sup> 'difficult to remember and reduce to rule,' that any summary would run to inordinate length. Our aim is to describe the impression that would be produced by a first perusal of these laws, on the mind of a person fairly well acquainted with the Roman and English systems. Certain features would strike him at once; certain likenesses and many marked dissimilarities. In such a description there will be the risk of modernizing the Code. We shall be attributing to the judges and legislators of Wales much that they never thought of, and at the same time miss a great deal of their meaning and the circumstances of their life. Above all, we shall be tempted to rely on the later laws in explanation of the earlier, though they clearly belong to the fourteenth, fifteenth or sixteenth century. But our legal institutions must have their root somewhere; our ideas of personal liberty, equality before the law, property and contract, civil and criminal responsibility, and even political organization, may be traced back to these early codes. Much of modern jurisprudence is anticipated, though hidden, in such striking sentences as these:

<sup>1</sup> Book XIII, ii, 15.

<sup>2</sup> Book X, vii, 27.

'a contract breaks a custom'<sup>1</sup>; 'there is no surety nor *gorvodog* unless the three hands shall meet'<sup>2</sup>; 'it is wrong for thee to own what is mine'<sup>3</sup>; 'neither justice nor law ought to be without these four essentials, a common lord, a presiding judge, and two parties present'<sup>4</sup>; 'an unintentional blow is not saraad'<sup>5</sup>; 'every injury that a person unwittingly commits, let him wittingly redress'<sup>6</sup>; 'although a lord can be a plaintiff in his own court, he is not, according to law, to be a defendant in his own court'<sup>7</sup>; every one of these maxims embodies a principle of vital concern in modern systems of law. Notwithstanding the complexities, 'the sharing of *galanas*, the worth of buildings and furniture, and causes of surety and debtor,' and the almost meticulous details of 'the worth of things wild and tame,' the laws of Hywel and his successors throw considerable light on subjects of importance to every modern student of law, the matter, the form, the substance and the procedure of the Law.

The material of the Code properly consists of two elements, Law and Custom. The Romans used the term *Jus* to describe a more comprehensive body of jurisprudence than *Lex* or enacted law. As there is in English no exact equivalent for *Jus*, the phrase Law and Custom, '*lex et consuetudo*' was utilised by Bracton to represent the whole body of law.<sup>8</sup> The same idea seems to have occurred to the framers of the Code of Hywel Dda. They

'examined the ancient laws; some of which they suffered to continue unaltered, some they amended, others they entirely abrogated, and some new laws they enacted.'<sup>9</sup>

But it is clearly understood there may be proof of contrary custom. *Vis et conventio vincunt legem*. 'Three things which nullify law: an agreement; an equitable custom; and death.'<sup>10</sup> A contract again annuls a custom,<sup>11</sup> but this does not mean that law and custom are opposed.

'Law and custom are the offspring of that king (i.e. Hywel), therefore they are not to be opposed to one another more than brothers, and if there be a custom contrary to law it is not to be observed.'<sup>12</sup>

<sup>1</sup> *Ven.* II, viii, 10.

<sup>2</sup> *Ven.* II, vii, 3.

<sup>3</sup> *Ven.* III, ii, 31.

<sup>4</sup> *Dim.* III, vi, 13.

<sup>5</sup> *Gwent.* II, vii, 15.

<sup>6</sup> Book IV, i, 1.

<sup>7</sup> Book X, xvii, 10.

<sup>8</sup> Vinogradoff, *Roman Law in Mediaeval Europe*, 94.

<sup>9</sup> *Ven.* Preface.

<sup>10</sup> *Dim.* II, viii, 42.

<sup>11</sup> *Dim.* III, vi, 7.

<sup>12</sup> Book XIV, xv, 10.

Thus, the rules of inheritance are not so rigid that they cannot be varied by the sharers of *tref tad*.

‘ Thus brothers are to share the land between them . . . and after the brothers are dead, the first cousins are to equalise if they will it. . . . And if the second cousins should dislike the distribution which took place between their parents, they also may co-equate in the same manner as the first cousins ; and after that division no one is either to distribute or to co-equate.’ <sup>1</sup>

In other words, the difference between rules of law and rules of construction is clearly implied ; there is no distribution further than second cousins, that is a rule of law and universally binding ; but as to the shares among first and second cousins, that is a rule of construction, liable to be varied, if they will it, according to the intent of the parties. The Welsh Laws are thus particularly valuable as showing the effects of growing custom in producing law. It is still a much debated question among jurists whether law creates custom, or custom creates law.<sup>2</sup> For instance, if we compare the former English law of inheritance with the Welsh law of distribution mentioned above, it would seem to us that primogeniture must be pure native custom. But primogeniture did not exist as a general custom at the end of the twelfth century. It was deliberately encouraged by the Courts, especially in connection with military tenures. By the thirteenth century it had become the general rule of inheritance of land. In modern times, however, a new rule of inheritance is substituted, this time by the legislature, in restoration of much of the original custom. Early codes of law are as a rule not at all disposed to accept mere custom as a source of law. The Irish Laws, for example, contain such passages as this <sup>3</sup> :

‘ The *SENCUS* of the men of Erin, what has preserved it ? The joint memory of the two seniors, the tradition from one year to another, the composition of the poets, the addition from the law of the letter, strength from the law of nature ; for these are the three rocks by which the judgments of the world are supported.’

So we are told by Maine <sup>4</sup> that ‘ custom is a conception posterior to that of judgments.’ It may be said indeed that rules laid down by judges have generated custom almost as often as custom has generated the rules. In the Welsh laws the point of view is

<sup>1</sup> *Ven.* II, xii, 1-5.

<sup>2</sup> Allen, *Law in the Making*, 83.

<sup>3</sup> Brynmor Jones, ‘The Brehon Laws,’ *Trans. Cymm. Soc.*, 1905-6.

<sup>4</sup> *Ancient Law*, ch. I, 4.

generally modern by comparison, it is obvious in perusing them that a large residuum of non-litigious custom exists, while in other cases, usages and the courts act and react on one another, till a settled rule is evolved. For example, in the custom of paying a maiden fee to the lord on the marriage of a woman, termed *amobyr* or *gobyr*, the custom varies according to the will of the parties. As the Gwentian Code puts it, 'according to where her home may be, her *amobyr* is paid.'<sup>1</sup> On the other hand, 'let no one give a woman to a man without taking surety for her *gobyr* to the lord.'<sup>2</sup> But if the woman dispose of herself or be taken away clandestinely, or if a contract is entered into that the person giving the woman away is not to pay the *amobyr*, then the custom may be varied. But, again, when the case is concerned with a contest between possessors and non-possessors of land, or between so-called proprietors out of possession and non-proprietors in possession, we see in the Venedotian Code an attempt to reconcile different views, and to lay down a uniform rule when it is urgently necessary for the purposes of procedure.

This attitude towards Custom, whether of approval, amendment, rejection or even complete innovation, is however very far from expressing accurately the conception or the ideal of Law itself as manifested in the Welsh Code. The law was regarded as something greater than either custom or legislative enactment. Throughout the Code of Hywel Dda and its successors there is no idea of an absolute sovereignty in the king himself; there was prerogative but not sovereignty. The Fourteenth Book, much later in date, tells us, 'litigation with a lord is not facile, as a lord upholds law.'<sup>3</sup> Further on in the same Book, it is said that 'law is noble, as Hywel the good, king of Cymru and the proprietors formed it, from the wisdom of their own hearts and bodies, and therefore law and custom are the offspring of that king'<sup>4</sup>; it would be divesting the king of his kingdom if the law were altered without his consent. But in the Eleventh Book we are told,

'there are three natural roots to the one word Law, truth, conscience and learning; if these do not coincide law is not worth a name; truth is the root of judgment; conscience is the root of distribution; learning is the root of the conducting of a suit.'<sup>5</sup>

<sup>1</sup> *Gwent*. II, xxix, 21.

<sup>3</sup> Book XV, xv, 7.

<sup>5</sup> Book XI, ch. iv, 19.

<sup>2</sup> *Gwent*. II, xxix, 33.

<sup>4</sup> *Ibid*. 10.

Again, 'law is just, because it commands every one not to wrong another' <sup>1</sup>; 'law is copious as there is no deficiency in it' <sup>2</sup>; 'law is respectable and noble and just and eloquent, according to nature and natural reason.' <sup>3</sup> These are passages from the later Welsh Laws, but they are a development of that which is strongly characteristic of the mediaeval codes in general, the idea that there is a law superior to the custom of the country and to the ordinances of princes. Throughout the Welsh Code there is the double conception of Law as expressing Order and as expressing Authority. The 'dictate of right reason' and 'a rule of human action' are both perfectly familiar to the Welsh commentators. The Tenth Book describes Law as 'a channel of equity' between the lord and the plaintiff and defendant. The lord is 'a channel to preserve honesty,' the surety is 'a channel to strengthen equity,' and a worthy judge between the parties is 'a channel to clear truth.' This conception of a law superior to custom and enactment is apparent at the outset in the earlier codes. The second sentence of the Venedotian Code tells us that 'the clerks were summoned lest the laics should ordain anything contrary to the holy scripture.' <sup>4</sup> The Dimetian Code appoints a number to 'form the law,' and 'to guard against doing anything in opposition to the law of the church or the law of the emperor.' <sup>5</sup> There is always this double allegiance, to the prince and to the priest, to the state and to the church, to *lex* and *jus*, to custom and reason. The Dimetian Code expresses the idea in crude form :

'Every denial by swearing fully is sufficient for the denier and a *raithman*, peradventure it be true ; for justice and law cannot be concurrent in every case, although they may frequently concur.' <sup>6</sup>

The Gwentian Code, though more briefly, has the same distinction, 'the three presentials of a country, a lord, a priest and law, for they cannot be dispensed with, as formerly' <sup>7</sup>; as if law must be differentiated from State and Church. The Welsh law and the Early English law are alike in this, that they reject the Roman idea of *jus naturale* or natural law, and prefer to speak of reason as the source of the law. The phrase 'natural reason' is found in the Welsh Laws, '*anyan a rheswm naturiawl*,' but there is no natural law except as right and reason. Even the

<sup>1</sup> Book XIV, xv, 11.

<sup>2</sup> *Ibid.*, 12.

<sup>3</sup> *Ibid.*, 8.

<sup>4</sup> *Ven.*, Preface.

<sup>5</sup> *Dim.*, Preface.

<sup>6</sup> *Dim.* III, i, 16.

<sup>7</sup> *Gwent.* II, xxix, 22.

word *cyfraith* is *cyd-rhaith*, or the joint doing of what is right. The word *rhaith* itself is the commonest in all the Codes, related to the English 'right,' and meaning 'an enforcer of what is right,' or the verdict of the country as to what is just. Welsh law would have been as far removed as early English law from dreaming of either the sovereignty of the king or the sovereignty of a parliament. So we find in Bracton 'the king is below no man, but he is below God and the law.' And later, Fortescue, 'the king's power is not absolute but limited by law.' Even in the time of Coke, 'reason is the life of the law, nay the common law itself is nothing but reason.' It is Powell, a Welsh judge on an English bench, who says, 'let us consider the reason of the case, for nothing is law that is not reason.'

In all the laws the influence of the Church is constant. Side by side with the pagan or semi-pagan Saxon and Danish kingdoms in England, had existed the Christian population of Wales. The laws bear full testimony to the purity, integrity and independent character of the Celtic Church. In its own sphere the authority of the Church was unquestioned; the Welsh Laws do not fall into the error of identifying what belongs to God and what belongs to Caesar. It is not the separation of the Church from the State, if there was a State, that we find respected, but its separation from the world. Hence the ecclesiastic was to be sued in his own court; he could hear a case, but he could not pronounce sentence; there was no established worth for the limb, the blood or the honour of a clerical person; benefit of clergy existed fully; patronage cases were exclusively for the Church itself: indeed the Church was an entity within the State by permission of the king.

'All possessors of church land are to come to every new king who succeeds, to declare to him their privilege and their obligation. . . . and if the king see their privilege to be right, let the king continue to them their sanctuary and their privilege.'<sup>1</sup>

On the other hand, the submission of the clergy was complete. Even Church land was held of the king.

'If it be abbey land, he is to have, if they be laics, *dirwy* and *camlurw* and *amobyr* and *ebediw* and hosts and theft. If it be bishop land, he is to have hosts and theft. If it be hospital land he is to have theft and fighting. And therefore there is no land without him.'<sup>2</sup>

<sup>1</sup> Ven. II, x, 3.

<sup>2</sup> Ven. II, xii, 8.

The king in Wales, moreover, had a privilege unknown in England ; for in England when a see became vacant, the Crown had only the 'custody of the temporalities during the vacancy'; but in Wales, when a bishop died, his land belonged to the king. No doubt, this would be as paramount administrator rather than as owner. If a cleric should hold land by title under the king for which service was to be performed to the king, he was to answer in the king's court ; and although a cleric could sit in judgment by privilege of his land, jointly with laics, he could not pronounce the judgment,

'as the worth of his tongue is not set down in law, by which every judge is punished, who shall give a wrong judgment, if he confirm it by mutually pledging.'<sup>1</sup>

The very submission of the clergy, however, made their influence not less but more powerful. The Venedotian Code, it is true, refers to a notable conflict,

'the ecclesiastical law says again that no son is to have the patrimony, but the eldest born to the father by the married wife ; the law of Howel, however, adjudges it to the youngest son as well as to the oldest ; and decides that sin of the father, or his illegal act, is not to be brought against the son, as to his patrimony.'<sup>2</sup>

But though such conflicts, when they occurred, ended in the triumph of the king's court, they were rare ; the real influence of the clergy was not in the conflict of common law with canon law, but in the natural leadership of an educated class through the possession of learning ; much as an English clergyman ministering in a newly settled country would, when he assisted his parishioners, naturally apply the English Law with which he was acquainted as a citizen to every-day transactions ; so the cleric introduced the Roman Law with which he was familiar, when some rule of law or procedure was needed. Vinogradoff<sup>3</sup> tells us it was the custom of the early Church even to settle disputes privately, by arbitration among the members themselves, in order to avoid contact with pagan courts ; and thus the Roman Law was preserved. Certainly it was used to fill up gaps, more particularly in procedure. The Dimetian Code tells us that in case of a disputed opinion, 'if both arguments are found in written law, then the decision is to be referred to experienced Canonists.'<sup>4</sup>

<sup>1</sup> *Dim.*, II, viii, 132.

<sup>2</sup> *Ven.* II, xvi, 2.

<sup>3</sup> *Roman Law in Mediaeval Europe.*

<sup>4</sup> *Dim.* II, viii, 118.

Thus the influence of Roman Law is apparent enough in these codes. A specific reference to the Roman Law itself occurs in the Dimetian Code,

‘in the law of Rome it prevails where the number of witnesses is not specified, that two witnesses are sufficient ; the law says that the testimony of one witness is not complete, unless he be one of the nine.’<sup>1</sup>

That is unless he be one of those whose word, on account of his occupying a position of authority or exclusive knowledge, is not allowed to be contradicted.

This is the only actual reference to the law of Rome, though there are other references to the Roman power or to a pilgrimage to Rome. It is difficult, therefore, to believe there could have been any great infiltration of law from Roman sources, without more specific reference. Even Bracton found it impossible to avoid using Roman terminology, though drawing his material from English Common Law. But it was possible to derive a great deal from Roman Law without once naming it ; Beaumanoir in the Coutume de Beauvaisis shows that. The Romans had left a settled organisation behind them, and the greatest of Roman lawyers, Papinian and Ulpian, had accompanied the Emperor Severus to Britain. Sir Brynmor Jones<sup>2</sup> thinks that in two directions at least the Roman settlement had left its mark on Wales. One was in the restriction of the right of private vengeance, upon which the claim for money compensation for homicide was based, the Lex Cornelia de Sicariis et Veneficiis being directed against the carrying of arms with intent to murder. The other was in the modification of the law of distress, since the Lex Julia de vi publica and Lex Julia de vi privata punished forcible entry on another’s land accompanied by armed or unarmed men respectively. These drastic laws may have had some effect on the remedy by distress ; of which we have an example in the Dimetian Code, ‘whoever shall make a distress on account of a debt without leave of the judicature, is subject to a *camlwrw*.’<sup>3</sup> But the real influence of Roman Law on the Code of Hywel Dda is, as has been stated, through clerical influence. Roman Law would be introduced where the local law or procedure was not yet fully developed, as in the law of boundaries, bequest, possession and the limitation of actions. The most obvious instance would

<sup>1</sup> *Dim.* II, iv, 5.

<sup>2</sup> Brynmor Jones, ‘The Brehon Laws,’ *Trans. Cymwr. Soc.*, 1905–6.

<sup>3</sup> *Dim.* II, vi, 3.

be a gift to the Church. That such gifts were common is shown by the fact that the Welsh Laws more than once enact, that 'a proprietor cannot give his land to a saint nor to a church without the permission of his lord,'<sup>1</sup> adding 'and neither is it right,' as if there had been some contention about the matter, which would be natural enough. Seebohm,<sup>2</sup> in a number of records, shows how these donations were made. As far as the donor himself was concerned, the matter would be governed by Welsh tribal custom. A chieftain could not give away the property of the family without the consent of other members; and, moreover, as above stated, not without the consent of the lord. On the part of the Church, on the other hand, its own formalities would be provided, the written charter with its witnesses. Frequently, the donor would receive this land back from the Church on the terms of the Roman usufruct; hence a new form of landholding was substituted, the parent of the modern lease. Other transactions, with the same object of benefiting the Church, led to a new method of conveyance, the conveyance by deed.

The influence on the Welsh Law of the early English Codes is much more uncertain. The Anglo-Saxon Codes fall into two groups, separated from one another by nearly two centuries. The earlier group contains the laws of Ethelbert I, who was reigning when Gregory the Great sent Augustine on a mission to England. His code contains but ninety sentences, practically every line recording the amount of a money consideration for injury. The remainder, the laws of Hlothære and Eadric, the laws of Wihtred, and the Code of Ine of Wessex, all appear before the year A.D. 700. The Code of Offa of Mercia being lost, there are no others till Alfred the Great became king in A.D. 871. He acknowledges his indebtedness to Ethelbert, to Ine of Wessex and to the lost code of Offa. The date ascribed by Liebermann to the best manuscript of Alfred's laws is A.D. 925. Passing by the laws of Edward the Elder, it appears that six series of laws were issued by Aethelstan, relating to tithes and church dues, the administration of justice, the privilege of boroughs, and an ordinance relating to charities, enacting, for instance, 'that it is my wish that you shall always provide a destitute Englishman with food.' The greatest of these Codes is that of Canute, who, like Hywel Dda, had been to Rome, where, in the year 1038, he had seen Conrad II crowned as Emperor. We learn that Hywel was an admirer

<sup>1</sup> Book XI, iii. 19.

<sup>2</sup> *The Tribal System in Wales*, ch. VII.

of Alfred, and as Professor Lloyd tells us,<sup>1</sup> on friendly relations with Aethelstan. In A.D. 926, it is recorded in the English Chronicle (*Monumenta Historica Britannica*) that Hywel with Constantine, king of the Scots, and Uwen, king of Gwent, and Ealdred, son of Eadwulf of Banborough, met Aethelstan at a place called Eamot and 'confirmed the peace with pledges and with oaths.' Hywel appears to have attended some of the witenagemots held by Aethelstan, and his attestation is found to some of the charters in the style '*ego, Howael, sub regulis consensi et subscripsi.*' But though the close relationship is established, it is difficult to see what Wales could have learned from these early Codes, unless it was the 'fashion of legislating.' There is some ground for saying the opposite, and that the need of codifying some of the laws or customs of Wessex was caused by the conflict with Welsh Law in Western England. But it was not until a period long after the arrival of the Normans that the English Law became a national law, 'the law of the country' like the Code of Hywel Dda.

When we consider the form of these laws of Wales, we find the key to the whole system in the term 'royal justice.' The power and prestige of the king were used to discover for his country a uniform law and procedure. He had experts on his side, learning and resources denied to anyone else. Like every mediaeval king he must formerly have been a great traveller, though there is no mention of such a royal journey in the Codes, and it is the members of the Court who go on circuit.<sup>2</sup> Like every *uchelwr* or freeborn son of Wales, he had the freedom of his country, and he availed himself of it. There was nothing alien to the people in seeing the king's officials by their circuits spreading the customs of the royal court. The almost ubiquitous royal administrator was the mediaeval equivalent of the modern uniformity of process. Such expert justice was not to be had for nothing; the beginnings of taxation in Wales are found in the entertainment dues, *gwestfa* and *dawr bwyd*, for the sustenance of the king and his court. The problem that confronted the early courts was to procure the attendance of those who claimed jurisdiction; not to get ideal justice from them, but to get any justice at all. Sir Henry Maine<sup>3</sup> reminds us of the vermilion stained rope which was dragged

<sup>1</sup> *Hist. of Wales*, I, ch. X, 336.

<sup>2</sup> Lloyd, *History of Wales*, I, ch. IX.

<sup>3</sup> *Early Law and Custom*, ch. V, 174.

along the streets of Athens to force the citizens to the place of assembly. Even to-day a summons to the jury is not popular. The difficulties with which Hywel had to cope are illustrated in the different treatment of the Courts of North and South Wales. The royal authority was extended not in opposition to, but by means of, the lords or *arglwyddi*. Owing to the freedom of Wales from the feudal system the lord did not and could not exercise a rival jurisdiction in competition with the king; through the prudent policy of Hywel he fell into the national system. The relationship between king and lord is difficult to define; it was analogous to suzerainty; that is the lord was practically chief within his own area, gradually increasing his jurisdiction at the expense of the *pencenedl* or chief of kindred, who by degrees assumed a semi-feudal relation to him. But in extra-territorial matters, power was reserved by the king, and the lords were made use of in the promotion of a national system of law. The Courts of the Cymwd were constituted on different lines in North and South Wales. As the Dimetian Code relates<sup>1</sup>:

‘There are three kinds of judges in Cymru, according to the law of Howell the Good, a judge of the Supreme Court by virtue of office, continually with the kings of Dinevwr and Aberfraw; and one judge of a *cymwd* or *cantrev*, by virtue of office, in every court of pleas, in Gwynedd and Powys; and a judge, by privilege of land (*o vreint y tir*) in every court of a *cymwd* or *cantrev*, in South Wales; that is to say, every owner of land.’

These judges by privilege of land are the nearest approach we find in the Welsh Codes to the ‘*judicium parium*.’ Hywel had no prerogative writ to deal with them. It was provided<sup>2</sup> therefore that

‘if judges by privilege of land requested time for judgment, whether from doubt or from the absence of some of the men of the court, those who are present are to have time, without swearing; the king is to compel those who are absent, by summons through suretyship, or by the arrest of the whole of them, to appear at the second court,’

and at the second adjournment, in the third Court, the case is to be decided without any kind of excuse; or the king shall again arrest and keep them all in custody. For as the Code goes on to say,<sup>3</sup> ‘there is no other penalty but compulsion, by law, for

<sup>1</sup> *Dim.*, II, vii, 110.

<sup>2</sup> *Dim.* II, viii, 12.

<sup>3</sup> *Dim.* II, viii, 113.

deficient service or deficient duty or rent to the king.' In a subsequent clause we are told that of these judges, coequal by privilege of land, one only is to judge ; the rest act as counsellors to him in his decision, and should he incur the worth of his tongue (the sum he is required to pay to redeem his tongue from the consequences of having delivered a wrong judgment), the judge and all of them together are to pay the worth of his tongue in common. Here is a clear instance from Welsh Law of that right of the lord (in a feudal sense) to hold his own court, which was one of the reactionary features of Magna Carta, and the break-up of which was the great triumph of the Plantagenets and the foundation of a national system of law.

Royal codes are, however, not infallible, and the judge occupies an outstanding place in the Welsh Laws. Nothing can possibly afford a greater contrast than the treatment of judges and courts in the Anglo-Saxon Codes and the Code of Hywel. It is not true to say the courts are not mentioned at all in the Anglo-Saxon Laws. According to Ethelred's Code,<sup>1</sup> 'A court shall be held in every *wapentake*.' The laws of Edgar provide for decisions in the hundred and other courts, and from that time forward courts of the hundred, the borough and the shire are regularly spoken of. Recent research has tended more and more to show the existence of 'pre-conquest' village courts in England.<sup>2</sup> Even in the earliest laws the 'judges of Kent' are mentioned, and the laws of Ine<sup>3</sup> provide that

'if anyone demands justice in the presence of any shireman (that is, the ealdorman) or of another judge and cannot obtain it, since the accused will not give him security, he shall pay thirty shillings compensation, and within seven days do him such justice as he is entitled to.'

Nevertheless, in the Anglo-Saxon Codes we are far from a regular judicature, and even the courts there mentioned are rather meetings of the folk where the dooms are pronounced. But in Wales, a regular system of Courts must have existed for generations, if not for centuries, before Hywel Dda. The whole system is, in fact, engrafted on a regular judicature. The early judge, as Maitland says,<sup>4</sup> was rather like an umpire in a game of cricket, he

<sup>1</sup> *Ethelred, Laws*, ed. Robertson. III. 3 (1).

<sup>2</sup> *Oxford Studies in Social and Legal History*, Vol. IX, by David C. Douglas.

<sup>3</sup> *Laws of Ine*, ed. Attenborough, ch. 8.

<sup>4</sup> Pollock and Maitland, II, 671.

saw the game played out between the parties ; he conducted the dispute ; he did not decide it. But the Welsh judge rather occupied an intermediate place between the *praetor* and the *judex* of Roman Law. He intervened in the dispute, and he also gave decisions on points of law that arose in course of the case, though the final judgment might mean putting the parties to the proof. The voluntary character of the whole procedure is shown by the fact that the judge's decision could be challenged, the judge and the challenger placing the two pledges in the hand of the king, a wrong judgment implying the penalty of 'the worth of his tongue.' Here we have an early form of appeal, not unlike the English Writ of Error. This system had been so developed that in the Welsh Laws, relief was sometimes give for a wrong decision without the necessity of a pledge <sup>1</sup> ; for instance, where judgment was given by a person not qualified <sup>2</sup> ; or against whom some lawful objection could be brought <sup>2</sup> ; or a case where judgment was given through 'hatred on account of any feud' <sup>3</sup> ; or the receipt of worth or reward by a judge by privilege of land,<sup>3</sup> or more than his due by an official judge <sup>3</sup> ; or a judgment procured by 'the love of friends,' or 'the fear of powerful men' <sup>3</sup> ; or where the canonists are called in 'to make an unbiassed and everlasting termination,' <sup>4</sup> in cases of doubt between two written laws ; and such hard cases. The judge, however, might be fined, that is, lose a *camlwrrw*, if he gave a 'contrary' decision on similar facts, or if he strayed from the point—Welsh judges were evidently prone to *obiter dicta*—or if he gave no pledge with his judgment, except as above provided. Notwithstanding this perilous liability, the position of the judge was one of high honour. The judge of the Court was to have his land free, his horse in attendance, a place opposite to the king, next to the priest, his lodging in the chamber in which the king slept, and the cushion on which the king sat during the day was to be under the judge's head at night.<sup>5</sup> He was given the insignia of office,<sup>6</sup> a throw-board by the king, and a gold ring by the queen, and another gold ring from the bard of the household, the latter, no doubt, a much appreciated tribute. The throw-board seems to have been a game played on a draught-board, with a black king and eight black men against sixteen white men. These treasures or trinkets he was neither to sell nor to give away while he lived. He was to administer justice to the Court without

<sup>1</sup> Book X, xi, 15.

<sup>2</sup> *Ibid.* 16.

<sup>3</sup> *Ibid.* 17.

<sup>4</sup> *Ibid.* 18.

<sup>5</sup> *Ven.* I, xi, 4, 6.

<sup>6</sup> *Ven.* I, xi, 12.

fee.<sup>1</sup> Otherwise the judge's reward was four legal pence for every case decided by him, 'if it be for so much as that in value'<sup>2</sup>; and this was to be paid not by the loser, whose heart would not be in the transaction, but by the successful litigant. His decision was to be an authority for similar cases, for the plea of a suit was expressly declared to be concluded or determined, either by default in the judge, or by reference to a law book, or by the judge's explanation, his *ratio decidendi*. He was to act

'for the love and the fear of God and the contempt of life; if thou art alive to-day thou knowest not whether thou shalt be to-morrow; and, also, the law says, when the tongue shall be adjudging the soul trembles.'<sup>3</sup>

All the codes agree that where the priest, the steward and the judge of the Court are together, there is the privilege of the court, although the king be absent.<sup>4</sup> The judge set the standard for common transactions; his thumb was the scale of measurement of the inch; hence vessels were to be of a containing capacity measured in inches standardised by the judge's thumb.

If the judge then posed as an authority, did the Welsh Laws recognise that his decisions were binding on others, that they had the force of judicial precedent? The Dimetian Code<sup>5</sup> says there are three maxims to complete the law; the first is, in similarities, a similar judgment is to be given; the second is, of two written laws, one contrary to the other, that which is more reasonable is to be maintained; the third is, that every kind of written law is to be preserved, 'until the sovereign and his country agree to abrogate it, and establish another more perfect in its place.' Moreover it is said<sup>6</sup> no judge is to be blameable for giving judgment from a written authority, though it be not right, unless he confirm it by a pledge; but in that case the authority was to be condemned. On the other hand,<sup>7</sup> 'if the judge pronounce a judgment without a law book in the court, and do not confirm it in the court by a pledge,' he is to pay a fine to the king. In other words, so long as the judge rested on precedent, he was safe; but if he decided a point of law on his own authority, he must enter into a pledge as to the correctness of his decision. The judge whose decisions were frequently overruled would stand little chance in Wales.

<sup>1</sup> *Ven.* I, xi, 13.

<sup>2</sup> *Dim.* I, xiv, 19.

<sup>3</sup> Book XI, iv, 7.

<sup>4</sup> *Ven.* I, xliii, 14.

<sup>5</sup> *Dim.* III, i, 13.

<sup>6</sup> *Dim.* II, viii, 120.

<sup>7</sup> *Ibid.* 121.

The standard of judging seems to have been high. According to the Fourteenth Book,<sup>1</sup> in dramatic repetition it is said,

‘a judge is to learn acutely, one word or one syllable alters a meaning in law; ask humbly . . . hear fully . . . keep in memory, . . . sum up patiently, that is, this was said by thee, this was said by thee, judge mercifully, that is, to delay as long as he can, and seek to reconcile them, and if he cannot, to judge justly.’

An important feature of the Welsh Laws, therefore, was the Book of the Law. According to the Dimetian Code,<sup>2</sup> the king ordered three law books to be prepared, one for the use of the daily court, to remain continually with himself, another for the court of Dinevwr, the third for the court of Aberfraw. The Code itself must indeed have been based on previous law books. The popularity of a Code in early times was due to the publication at large of what had been known only to the privileged few, in mystical books of the law. This custom of using books of the law was preserved, for in the Fourteenth Book, they are held to be decisive in case of doubting of judgment. ‘For law books are of public unquestioned authority, and it pertains to credit the best book, and the book of the best judge.’<sup>3</sup> Though the book is called the book of the judge, it was probably the compilation of the canonist, who was the writer to the court, and who would probably be both a recorder and commentator. The glossator would therefore step in, with his glosses or notes, comments, analysis or memorabilia of the case. One might almost say that whereas Roman Law was developed by the Bar, and English Law by the Bench, Welsh Law was developed by the Court. The position of these canonists resembles that of the jurists at Rome who gave opinions, ‘the *responsa prudentium*.’ Frequently it is said the Court is to have the assistance, for the decision of a hard case, of specially summoned canonists. But apart from them the law book was a resort of the parties; if a person could produce from a law book a more correct judgment than the one which the judge delivered,—‘if he be able,’ the Dimetian Code carefully adds,<sup>4</sup>—then he overcomes the judge. In any case ‘whichever shall appear nearest to the truth is the most worthy to be maintained in the law.’<sup>5</sup> The real service performed by these writers and canonists was that of interpretation; not only the explanation of the law, but the discovery of its intention, *voluntas*,

<sup>1</sup> Book XIV, xlv, 13.

<sup>2</sup> *Dim.*, Pref.

<sup>3</sup> Book XIV, xlv, 9.

<sup>4</sup> *Dim.* II, viii, 118

<sup>5</sup> *Ibid.* 118.

*mens* or *sententia*. Thus the Roman Law of the Twelve Tables was developed, sometimes indeed narrowed by *nimia subtilitas* or perhaps expanded by a *benignior interpretatio*. The very life of a code depended on this process, and no doubt the original Code of Hywel Dda owes a good deal of its fame to the patient and unostentatious labour of Welsh jurists, who chivalrously ascribed to the 'old book of the White House' the credit of their own constructive ability. By adapting it to changed times, they made it a living law.

There is still another factor to be considered if we are to account for the form of the Welsh Laws. That is, the custom of announcing or popularising the law. In early times the law-man was a representative of the people, and was expected to make known the custom to them.<sup>1</sup> No doubt his special knowledge made him a member of a close association; its secrets were jealously guarded; even the use of Latin was commended 'to guard against its being understood by everybody' as the Fourteenth Book ordains.<sup>2</sup> For 'law is only known by him who knows how to understand it.' But new members would require to be taught; so that books of instruction, law discourses and institutes were necessary. Moreover, if justice were to be done, the law must be made known more widely; it was a duty to publish it. This was the ground of the Praetor's Edict at Rome, a more fruitful source of Roman Law even than the Twelve Tables. The Edict, it is true, was announced in advance; but whether the knowledge were conveyed before or after, it was a matter of vital interest to the community. In the absence of writing, various devices had to be adopted to make the law easily realized and remembered. Methods must be adopted for appealing to the imagination and memory. Parts of the human body might be used to emphasize and memorize rules. The Ten Commandments are said to have been so numbered from the fingers of the hands. In early Egypt there was a tradition that the deceased in proceeding to the judgment of Osiris was asked whether he could count his fingers, that is, whether he had kept the whole law. Similarly, architecture was brought in, the three columns of law, and the three columns of advocacy. Commonest of all was the use of figures, particularly if they could be supposed to bear a sacred character. It does not follow, however, that the figures always had that character of mysticism. They might be merely con-

<sup>1</sup> Vinogradoff, *Histor. Jurispr.* I, 361.

<sup>2</sup> Book XIV, xxi, 24.

venient or matter of fact, as in Rome, '*tria momenta status*,' the tripartite will, seven witnesses, seven signatures and seven seals. They were always convenient, however, as aids to the memory. It is quite impossible, in these days of writing and printing, to realize the supreme importance in early times of anything which would refresh the imagination and assist the memory; especially when concerning rules that must be obeyed. 'Ancient law was preserved in rude verse or rhythmical prose.'<sup>1</sup> Various suggestions have been made for the origin of the Triads, including the doctrine of the Sacred Trinity. But might not the use of the threefold classification be older still, on the ground that *three* is the limit of uncultivated memory for general convenience? Three, or even four are easily remembered; five or six are a crowd. Once 'three' is adopted as a standard, its multiples are almost as easy to be remembered. Hence we have the nine accessories, the nine *tavodiogs* (whose word must be accepted), the nine packhorses, the nine words of pleading. Not that the nine is a cast-iron classification. The nine *tavodiogs* of the Venedotian Code are twelve in the Dimetian Code, though they are still called the nine. The nine accessories of *galanas*, again, are built out of three sets of three; the one class is the informer, the abettor and the consenting party; the second class, the spy, the associate and companion; the third class, the assistant, the holder of the victim, the person present, refusing aid. The oaths of one hundred, two hundred and three hundred men are severally annexed to these three classes, being an increase to the number of compurgators required where the accused admits he was an accessory, but denies the actual murder. One result of this process is that it aids not only the memory but the process of reflection. A cultivated mind can consider all sides or aspects of a question without the aid of any mechanical device. But thought is the most difficult of all processes to the uneducated, and if figures aid the memory, memory aids reflection. This is perhaps one reason for the close connection, in early times, of law and poetry, or law and versification at any rate. It is not the only, or even the chief reason; for law in those early days was man's best protector against violence, forcible seizure, and primitive barbarism; it expressed for him the difference between right and wrong; it stood for harmony instead of discord, the straight path instead of devious courses, a certain instead of an uncertain.

<sup>1</sup> Maine, *Early Hist. of Institutions*, 14.

It must be observed, however, that the earlier the code, the fewer the number of triads. Indeed the greater the number of triads, the less reliable is the statement of law. The Codes of Wales do not depend in any way on this custom of versification for their excellence. They exhibit all styles of prose, and excel in vivid, terse narration, in all the arts of the advocate. They are more like the Institutes of Gaius than of Justinian, and a complete contrast to the language even of English Codes, not to speak of the later English Statute Law. Perhaps this is due to the fact that they had to be spoken and recited rather than read, for the clerk of the court, who was a cleric, is said both to record and recite the laws. As an example of vivid style the exposition of law by means of question and answer at the end of the Dimetian Code is characteristic. 'Is there a single penny for which a person's life is forfeited? There is; a penny wanting of *galanias*.'<sup>1</sup> This is only a more striking way of saying that the compensation to buy off a blood feud must be paid to the last penny. 'Is there any person whose hand is worth more than his life? There is; a bondman.' For the worth of the hand is without distinction of persons, but the sum to buy off vengeance by the blood-feud depends on status. 'Is there any *galanas* to which there is no accessory? There is; if an animal kill a person, that is a slayer to whom there is no accessory.' This, and many others, are the common devices of the advocate and the jurist, as distinct from the mere lawyer and legislator. But it would be no more reasonable to doubt the genuineness of the law solely on the ground of these aids to memory and understanding, than it would be to doubt the Codes themselves because their Editors, to whom we owe so much, have divided them into sections and chapters.

## II. THE LAW OF THE COURT

There is an approach to some kind of arrangement of the law at the opening of the Dimetian Code, where it is said that Hywel began to write the laws 'in three parts: the first, the daily law of the palace; the second, the law of the country; the third, the perfect administration of each of them.'<sup>2</sup> The real classification is into the law of the court and the law of the country. It appears as if this preliminary treatment of the law of the court were essential to the aim of Hywel's Code. Sir Brynmor Jones<sup>3</sup>

<sup>1</sup> *Dim.* III, iii, 3, 13, 20, 30.      <sup>2</sup> *Dim.* Preface.

<sup>3</sup> *Foreign Elements in Welsh Mediaeval Law*, II.

considers the *Cyfreithiau Llys* to amount to a body of constitutional law, since the *Llys* was the collective and chief organ of government and the servants of the household discharged administrative political functions. The terms *brenin* and *arglwydd* are used of a chief whose status might vary from being the king of Gwynedd to the lord of a single cantref. Professor Lloyd considers the terms were practically interchangeable,<sup>1</sup> and refers to the Dimetian Code,<sup>2</sup> where the *saraad* or honour price of a king possessing a principal seat, as Dinevwr under the king of South Wales, and Aberfraw under the king of Gwynedd, is mentioned with great particularity; while if he have not a principal seat, he is only to have cattle, which reduces him to a chief of the second rank. Whether he be a great or a petty chief does not very much affect the view taken of his position in law, for it is said in the Dimetian Code, 'there are three kinds of persons: a king, a *breyr* and a villein with their near relations.'<sup>3</sup> It is the kingly status that matters. He may be regarded, if the term be allowed of such an early time, as a constitutional king. He and his court are under the law. He acts by the advice of his magnates; the sovereignty is co-operative; it is found needful to enact that there are 'three private intercourses which the king is to have without the presence of his judges; with his wife; with his priest; and with his mediciner.'<sup>4</sup> His prerogatives are defined and limited; he has not to contend with a feudal nobility as in England; but his relation to the local lord depends on the standing of the king himself; in any case they are not his rivals, and may be his subordinates. The lord's position is not set out like that of the king, but a person who is engaged in the lord's business is privileged so that he cannot be seized as a debtor.<sup>5</sup> Vassalage or subordination is not to be implied from the payment of dues or tribute money alone; the payment of a tribute of £63 a year to the English king does not make Hywel his dependent. Such payments were common among friendly allies, and all the activities of the king of Wales prove the contrary. A limit is set to the king's control of the army. He cannot lead forth his host out of the country except once a year, and then the service is not to continue more than six weeks;<sup>6</sup> apparently that

<sup>1</sup> *History of Wales*, I, ch. IX, note. The position of the Welsh king is in this chapter fully treated.

<sup>2</sup> *Dim.* I, ii, 5.

<sup>3</sup> *Dim.* I, iv, 8.

<sup>4</sup> *Dim.* II, viii, 48.

<sup>5</sup> *Ven.* II, vi, 23.

<sup>6</sup> *Ven.* II, xix, 7.

means an expedition to a border country<sup>1</sup>; in his own country he is free to have hosts when he will.<sup>2</sup> In fact, the *teulu* itself is the king's bodyguard; a much larger conception than a mere household. During the absence of the army on border service the queen is to have a progress with the maids and youths among the villeins of the king.<sup>3</sup> The principle of universal service seems to have been the rule in Wales as among the Anglo-Saxons, but the conditions in England were more stringent; as Ine's Code enacts,<sup>4</sup>

'if a nobleman who holds land neglects military service he shall pay 120 shillings and forfeit his land; a nobleman who holds no land shall pay 60 shillings; a commoner shall pay a fine of 30 shillings for neglecting military service.'

But the idea in both cases was the same, it was that of national service, not conscription; the obligation of a dependent to accompany his lord on a journey or expedition. Thus when the army was organised by Alfred he divided it into two parts, one fighting while the other tilled. There is not much mention of the sea or of service on sea in the laws of Wales; 'the Welsh did not busy themselves with shipping'<sup>5</sup>; the laws of Edward the Elder mention service by land and sea<sup>6</sup>; the laws of Ethelred 'the fitting out of ships as diligently as possible,'<sup>7</sup> and the compensation for damage to a national warship.<sup>8</sup> But the Welsh Laws mention 'three violences which are not to be compensated: to wit, violence by an army; injury by fire; and injury by the sea'<sup>9</sup>; an anticipation of the rules relating to the act of God and the restraint of princes. Moreover, the king has certain 'packhorses' as they are termed, things which are his perquisites, or peculiarly belong to him in royal right; and the list is interesting,<sup>10</sup> the sea, the king's waste, a necessitous stranger wandering over the king's land, a thief, a house of death, a person who dies of a sudden death; again, a childless person or even a criminal who owes a fine, or death whereby an *ebediw* or death duty is payable, are added by the Venedotian code.<sup>11</sup> Thus we see the beginning of the State, and the con-

<sup>1</sup> *Dim.* II, xi, 5.

<sup>2</sup> *Ven.* II, xix, 7.

<sup>3</sup> *Dim.* I, i, 4.

<sup>4</sup> *Laws of the Earliest English Kings*, Attenborough, 53.

<sup>5</sup> Lloyd, *History of Wales*, II, 606.

<sup>6</sup> Attenborough's edition, 119.

<sup>7</sup> Robertson's edition, 87.

<sup>8</sup> Robertson's edition, 101.

<sup>9</sup> Book IX, xxxviii, 14.

<sup>10</sup> *Dim.* II, xi, 2.

<sup>11</sup> *Ven.* I, xliii, 12.

ception of the king as *parens patriae* and as supreme administrator. Above all 'no land is to be without a king.'<sup>1</sup> 'The king is owner of all the land of the kingdom.'<sup>2</sup> As regards movable property, he was the universal heir in default of children.<sup>3</sup> But land comes into his hands, in default of persons entitled to succeed, as chief administrator, not because he is the lord of a fief. The local lords are therefore not his rivals, but his adherents and auxiliaries; the king is but a lord writ large; what is really important is not the struggle between the king and his lords, but that between the lord, as an administrative officer, and the *pencenedl* or tribal chieftain. Much interest attaches to the twenty-four officials of the palace; but even more interest to the two who are outside it, the *maer* and the *canghellor*, somewhat similar to the justiciar and chancellor of early English Law. The *maer* was a royal officer, appointed over a district, with special jurisdiction over the unfree classes, who were under the king's protection, much as registered persons of foreign origin are under the king's protection to-day. He was responsible also for the king's waste, that is, generally, property without an ascertained owner.<sup>4</sup> The *canghellor* was also a royal officer, whose duty was 'to stand and to be in the place of the king during his presence and during his absence.'<sup>5</sup> Neither of them was to be a chief of kindred; the relation between them and the *pencenedl* was much like that between the sheriff and the ealdorman. It is obvious that in the separation of the *maer* and *canghellor* from the officials of the household we have the germ of a ministry, and perhaps of some kind of ministerial responsibility. Through these ministers the king was brought into touch with his people and the country around him. Some writers have professed to discover in the assembly which met to authorise the Code of Hywel, six men from each *cymwd*, four laics and two clerks, a rudimentary form of a Welsh parliament. But the object of that assembly was to formulate the law once for all, whereas parliaments in those days did not meet for the purpose of law-making in any real sense, still less for law-codifying. The assembly at the White House was more like a meeting of plenipotentiaries, met to draft a treaty or convention; at the close of the sitting their work was done, and there was no occasion for summoning them again. If there exists anything

<sup>1</sup> *Ven.* II, xiii, 8.

<sup>2</sup> *Dim.* II, viii, 131.

<sup>3</sup> Lloyd, *Hist. of Wales*, I, ch. IX, 311.

<sup>4</sup> *Ven.* I, xliii, 17.

<sup>5</sup> *Gwent*, I, xxxv, 15.

like the germ of a parliament in Wales at all, it is to be found in the administrative co-operation of the king and his officers, especially when paying visits to the local lordships. There is more of a parliament in the visitations of the king, with his principal court officials, the *maer* and the *canghellor*, the lord or his *rhaglaw*, and the local *uchelwyr* than in the convocation at the White House. Had it been possible for the king to summon representatives from these lordships to attend him at the royal palace, the parallel with early parliaments would have been complete. However that may be, the *penteulu* and the judge inside the palace, and the *maer* and *canghellor* outside, are the first indications of an executive, of a kind of *curia regis*. The ministry might even act in the absence of the king, for, as stated elsewhere, if 'the priest of the household, the steward and the judge of the court are together, there is the privilege of the court, although the king be absent.'<sup>1</sup> Thus government was co-operative, and the king even at that early time a constitutional ruler.

### III. THE LAW OF THE COUNTRY

Following the law of the court, the law of the country is, in its title alone, significant. No other mediaeval code has precisely this classification. The Welsh Law was the law of a race, not of a territory, but it was one race and the Code of Hywel united the country under a system of administrative justice; and that without interfering with freedom of contract or varieties of local custom. This is in strong contrast to the personality of law, which caused such conflict on the Continent that it was said a traveller changed his law as often as he changed his horses; Bishop Agobard, in A.D. 850, is said to have declared there might be five people in a room, each following his own law. In the result the Welsh Law became national rather than territorial, and gave expression to the unity of the people. As Professor Lloyd puts it,<sup>2</sup> 'the conception of one law valid for the whole of Wales took its rise from the measures of Hywel.' No doubt care must be taken not to ascribe modern ideas to mediaeval times. But there are passages in the Code which show that Hywel and his successors safeguarded the principle of the supremacy of the rule of law. One of the best known characteristics of English Law is the absence of any admin-

<sup>1</sup> *Ven.* I, xliii, 14.

<sup>2</sup> Lloyd, *Hist. of Wales* I, ch. X, 343.

istrative law strictly so called, of a different law and procedure for state officers from that of ordinary persons; a principle due to the early recognition of a national common law and the instinctive unwillingness of the untutored barons to 'receive' any foreign system. One does not expect this universal supremacy of the rule of law, which is even to-day the subject of much contention in England, to have been properly realized in the Laws of Wales; where the State had scarcely established itself there could be little official law. But there is a striking passage<sup>1</sup> in the Dimetian Code:

'Whoever shall say that the king or anyone on his part . . . has committed oppression, contrary to law, against him, he is to have a verdict of country without delay concerning it. . . . And that is the chief general institute between the lord and his subjects, as a protection against the power of a lord.'

This is in the Dimetian Code; but in the Tenth Book of the Laws,<sup>2</sup>

'although a lord can be a plaintiff in his own court against whomsoever he will . . . he is not to be a defendant in his own court . . . since it is not meet for him to stand before a judge of his own court, and it is not meet also to sue him in his own court.'

The interpretation of this passage, however, seems to be that proceedings against a lord must be brought in the king's court, and not in the lord's own court. This view is confirmed by another passage in the Tenth Book<sup>3</sup> which declares that in case of a dispute as to land between several lordships, or where a grant of land from the king himself, or from a lord, is the subject of contention, since the right of a lord is not to be determined in the local court, 'it is incumbent upon the king, without delay, to repair the illegality, for a deed illegally done is not to be upheld.'<sup>4</sup> What is this but saying that the king and the lord are to be subject to the law of the land, and subject also to proceedings like any other free-born Welshman in the king's court? If there were disputes about jurisdiction, at least there was no conflict of law, after Hywel had taken the matter in hand.

The subject of the courts of Wales is, however, beset with difficulties. The Laws themselves show a continuous development. The Dimetian Code mentions a royal supreme court at Dinevwr and Aberfraw. The Tenth Book adds a third, the court

<sup>1</sup> *Dim.* III, i, 17.

<sup>2</sup> Book X, xvii, 10.

<sup>3</sup> Book X, xv, 1.

<sup>4</sup> *Ibid.*

of Mathraval. And every lord, of the lords of Gwynedd and the South, is to answer in the nearest court to his own territory, of the three high courts aforesaid, every claim and demand that may be against him. These royal courts seem to have had both original and appellate jurisdiction. Mr. T. P. Ellis, in his *Welsh Tribal Law and Custom*, most clearly sums up the jurisdiction of the royal court ; original, mainly, when the king was concerned, or where the supremacy of the king was required to decide between rival lordships, *cmywds* or *cantrefys* ; appellate when the decision of a judge, after pledging, had been impugned. The jurisdiction in fact bears a close resemblance to the residuary jurisdiction of the King's Council in England. But the really original court of justice of Wales was the Court of the Cymwd, probably taken over by Hywel Dda from the previous judicial system of the country, and reduced by him into an orderly system. The judicial development of Wales was thus mature enough not to require the itinerant system of England ; the lord or his representative presided, and the judges were either those officially appointed or those entitled by privilege of land. In a late passage of doubtful authority, it is said that Hywel (but it could not have been Hywel) permitted every ecclesiastical lord, and every chief to whom there might belong a *cymwd*, to hold pleas of the crown. If this is true the reverse process must have happened in Wales from that in England, where, by the use of the royal prerogative and the writ system, by means of legal fictions, and other devices, all rival jurisdictions were crushed out, and a national system of law and procedure was evolved. The period of Hywel Dda and his successors, the golden age of Welsh jurisprudence, knew no such devolution of judicial authority.

As for the law itself, the same course seems to have been followed as in other systems ; where the Code and judicial interpretation were not adequate, the law was extended by fictions, by a reliance on equity or the sense of fairness, and even by a sort of legislation.<sup>1</sup> Thus by means of a fiction, a stranger could become a member of a clan to which he had rendered a service<sup>2</sup> ; a lord might become the son of a dead man, if he chose, and deny a suretyship on his behalf<sup>3</sup> ; or an alien after a lapse of nine generations might become a new stock of descent.<sup>4</sup> Fictions seem to have been most commonly employed to bring the *alltud* or

<sup>1</sup> Maine, *Ancient Law*, ch. II.

<sup>2</sup> Book X, 2.

<sup>3</sup> *Ven.* II, vi, 28.

<sup>4</sup> Book XIII, ii, 66, 67.

foreigner within the reach of justice. Thus the Dimetian Code enacts,<sup>1</sup>

‘There is to be no rejection of the *raith* (or compurgation) of an *alltud*, where a *raith* of the country does not pertain to him although persons shall not swear along with him ; for let him give his own oath repeatedly for so many persons, as ought to swear along with him, if he were of a kindred.’

The same attempts to deal out justice to the foreigner fill the pages of Roman Law, though it was accomplished at Rome by a duplication of institutions, one form for the citizen, the other for the alien, duplicate conveyances, suretyships, written contracts, references of a case to judges. Naturally the same necessity was not felt in English Law, where the system so soon became territorial. Though fictions are thus common enough, there is little trace of any conception of equity in the technical sense, though there are references to *aequitas* or the decision of a case by an appeal to the principle of good faith and fair play. There is one late passage<sup>2</sup> which mentions as one of the three things which overcome law ‘that which is done by the king, to pursue truth and justice, and for the sake of conscience and mercy.’ The law is amended occasionally by something like legislation. Thus Bleddyn, son of Cynvyn, altered the quantity of land to be shared among brothers<sup>3</sup> ; and remodelled the ordinance as to theft, instituting full satisfaction instead of the fines levied in the time of Hywel.<sup>4</sup> But, as in early Rome, the alterations are accepted with reluctance, there is a disrelish for change. The Welsh cling to the law of Hywel. When Bleddyn makes an alteration in a suit for land so that the reward due to the lord for deciding the suit should be paid by the person who is to have the land, the alteration is expressly called ‘a regulation,’ not a law, ‘for there is but one law according to the Cymry, that of Hywel.’<sup>5</sup> Even if a person says there are two laws, the law of Hywel and the law of Bleddyn, and call for one of them, and the judge decide according to the other, he can give his pledge against the judge as judging wrong since he named the law.<sup>6</sup> There was therefore a choice of law, apparently, in some of the innovations ; and in all cases it is with difficulty that the new law replaces the old.

<sup>1</sup> *Dim.* II, xvii, 46.

<sup>2</sup> Book XIII, ii, 185.

<sup>3</sup> *Ven.* II, xii, 1.

<sup>4</sup> *Ven.* III, ii, 45.

<sup>5</sup> Book VIII, ch. XI, 3.

<sup>6</sup> Book VIII, ch. XI, 4.

Naturally therefore the Code of Hywel is imperfectly developed. As in all the early Codes the remedy is considered rather than the right. The conception of a legal right is indeed scarcely adverted to at all. The primordial rights of modern law are never defined, liberty, equality, property or security. Even in the proprietary action so fully dramatized in the Venedotian Code the claim of the plaintiff is 'that he is entitled to come lawfully back to the place from which he has been unlawfully ejected.'<sup>1</sup> In a claim for loss by theft the defendant would prove title by alleging warranty (*arwaesav*), possession before loss, or birth and rearing; and apart from that there might be a prosecution for theft. Thus there was a real action for the recovery of goods like the appeal of larceny, or the action 'res adieratae' of English Law in early times. The Welsh Laws, however, go far to disprove the statement of Maine that penal law in ancient times was a law of torts. The idea of crime is older than tort. Moreover, we have a clue to the development of 'intent,' as an element in criminal liability, in the attitude of Welsh Law towards *secret* crime. Theft, for example, is the secret removal and appropriation of goods. If done in the open, it was *trais*, not *lladrad*. Welsh Law resembled Roman Law in distinguishing the thief discovered with the stolen property in his possession or otherwise. It resembled early English Law in attributing a peculiar heinousness to secret offences. The same element is found in the English treatment of homicide. The crime of murder came to mean secret killing, especially that kind of secret killing for which a murder fine was payable; and this led, after the fine was abolished, to 'killing with malice aforethought.' But the idea of intent as an element in crime was not fully developed until the king or lord had increased his jurisdiction, for since the lord would have the prerogative of pardon he could take account of elements in criminal liability which were impossible in the days of the blood-feud; he might consider for instance whether a suit were instituted *de odio et atia*.<sup>2</sup> It is with the offence of treason or *brád* that the mental element in crime acquires great prominence. Meanwhile the appeal to law is excessively formal; the trial is matter of form; the judgment is merely to decide the form; the chances of victory depend on scrupulous adherence to form. There is no room for discretion in the law of procedure. The law being unwritten it must be dramatized; pageantry and ceremony make

<sup>1</sup> *Ven.* II, xi, 17.<sup>2</sup> Jenks, *History of English Law*, 43.

the only possible appeal. Yet 'formalism is the twin-born sister of liberty.'<sup>1</sup> And much of the procedure is extra-judicial. The initiative lies with the complainant; in grave cases he may raise the hue and cry<sup>2</sup>; later the presentment of criminals takes the matter out of his hands. But usually the complainant has to assert himself, and although the defendant is not called upon to answer unless the complainant is supported in his claim, the fact of his taking proceedings raises such a *prima facie* case against the accused that the scales are heavily weighted against the latter; it was not for centuries in England that counsel could be permitted to persons charged with felony. To some extent the execution of the judgment also remained with the plaintiff. The Codes are rather significantly silent on this all-important question. Hence the extreme importance of suretyship, and the process of distress by leave of the Court. For, according to a passage already quoted, 'whoever shall make a distress on account of a debt without leave of the judicature, is subject to a *camlwrw*.<sup>3</sup> The Welsh Laws further say,<sup>4</sup> 'if a defendant neglect three legal summonses the claim is confessed; no claim, however, is adjudged against a person until the expiration of three summonses.' So the laws of Canute,<sup>5</sup> 'no one shall make distraint of property until he has appealed for justice three times in the hundred court.' The Welsh Law<sup>6</sup> proceeds:

'Unless the defendant come on the day for decision appointed by the judge, and the parties bound, the extent of the claim shall be adjudged against him; for he is not to have law who does not perform it.'

The remedies of the Court seem to be confined to a heavy fine, *dirwy*, in the case of most substantive offences, and a light fine, *camlwrw*, for accessory acts and contempt of court; there might be *camlwrw* one-fold for default, two-fold for slander, and three-fold as an accessory.<sup>7</sup> The grave punishments are death, sale of a thief, and banishment, for example, of a faithless kinsman; the law's last resort is outlawry.

<sup>1</sup> Ihering, *Geist des römischen Rechts*, ii (2), § 45.

<sup>2</sup> As late as 1839 there were in England upwards of five hundred voluntary associations for promoting the arrest and prosecution of felons.

<sup>3</sup> *Dim.* II, vi, 3.

<sup>4</sup> Book XIV, ch. IX, 1.

<sup>5</sup> *Laws of Canute*, 19, ed. Robertson.

<sup>6</sup> Book XIV, ch. IX, 2.

<sup>7</sup> Book XIV, ch. XI, 1-6.

## IV. THE LAW OF STATUS

If the Laws of Wales are to be considered comparatively, however briefly this is to be done, some classification must be adopted for convenience, though it may have an entirely modern appearance. The earliest branch of the law is that which deals with Personal Status. The Roman Law laid stress on liberty, citizenship and family, as the ‘*tria momenta status*.’ The early English Law mentions chiefly the free and unfree. The Welsh Law says little about these considerations and substitutes the test of birth. The three kinds of persons are the *king*, a *breyr* or *uchelwr*, and a *villein*, and they occupy those positions mainly on the ground of birth. The *boneddig* is a person who is of entire Welsh origin, both on the side of the father and mother. Society in Wales was therefore an aristocracy; within the ranks of the free-born all the Cymry were co-equal in privilege. Outside these there was none of the equality so much cherished by Welshmen; the *aillt* or villein, the *alltud* or foreigner, and the *caeth* or slave were without the pale. The Cymry proper, *uchelwyr* and *boneddigion*, were entitled to be members of the *rhaith gwlad*, the right or justice of the country, the privilege of proof by oath-helpers. A foreign family would not become naturalized in any sense, until the fourth generation of continued occupation, and even then, they would not become free ‘Cymry.’ They would belong to the unfree yet, and would be still tied to the land, though their occupation of it would be as fully protected as the *boneddig*. It is only by relying on the more doubtful passages of the Anomalous Laws that we get any information as to the manner in which foreigners might become Welshmen, apart from some very exceptional cases. Such passages can only be accepted with great hesitation. There is some ground for saying, though the authority is doubtful,<sup>1</sup> that not until the ninth generation would foreigners become entitled to the privilege and descent of innate Cymry. That would be accomplished even at an earlier date, according to the same authority, by marriage with an innate Cymraes, ‘for it is the privilege of an innate Cymraes to advance a degree for her *aillt* husband with whom she shall intermarry.’ On attaining to the privilege of the ninth descent, the *aillt* would become an innate Cymro, chief of kindred to his progeny, no longer called the son of his father but his seisor. He would now be a new stock of descent, like the purchaser in

<sup>1</sup> Book XIII, ii, 66, 67.

English Law. The particularity with which these rules are stated, even in the later Laws, seems to imply that in this way the Cymry themselves originated. Certainly these rules about the ninth degree are not found in Wales alone.

‘An Ammonite or a Moabite shall not enter into the assembly of the Lord; even to the tenth generation shall none belonging to them enter into the assembly of the Lord for ever, because they met you not with bread and with water in the days when you came forth out of Egypt.’<sup>1</sup>

This suggests that certain services might more speedily enable strangers to become relations. In fact, a list of nine such services is given, the last of which is of special interest:

‘if a person is condemned to lawful wager of battle . . . and he should dread in his heart entering into personal combat; and a stranger should arise and say to him, “I will go in thy stead to combat,” and he should escape thereby; such stranger acquires the privilege of a brother to him or nephew, the son of a sister, to receive *galanas* or to pay it for him.’<sup>2</sup>

Wager of battle is not found as a legitimate mode of proof in the Welsh Laws, the reason being that the Church from the beginning set its face against it. But it is too much to suppose it was never found in Wales; and it is surmised that the germ or origin of the legal advocate, the barrister, in particular, is to be found in the champion who offered himself in the place of the other. The privilege acquired is that of a brother to him or the son of a sister. This is a reference to the rule of the patriarchal system or *patria potestas*, that if a father had no surviving sons, or if the head of a family had no sons at all to succeed him, he had a claim to be succeeded by a sister’s son.<sup>3</sup> The stranger was therefore in the above example actually advanced to the family of the recipient of his service. But the advancement was to the family relationship, and not to the individual status.

It was not the individual who counted but the group, the kindred or *cenedl*. It seems clear that *patria potestas* in the Roman sense had no place in Wales. Even in Rome, the persistence of *patria potestas* was only due to the fact that the area of occupation was smaller, and entailed intensive cultivation; the more restless spirits were drawn away by war; the family was rendered more efficient by adoption and emancipation, and the system was never

<sup>1</sup> Deuteronomy xxiii, 3, 4.

<sup>2</sup> Book X, iii, 9.

<sup>3</sup> Vinogradoff, *Histor. Jurispr.* I. 232. ff.

applied to the public service. Yet the fact of agnatic relationship which was strictly applied in Wales meant a limited *patria potestas*, and it is expressly stated the boy was to be in his father's power till he was commended, first to the *pencenedl* and afterwards to the lord. But for people of a nomadic type the group of the kindred afforded better protection. 'A chief of kindred is to be the oldest efficient man in the kindred to the ninth degree.' The importance of the kindred appears at every point, in the occupation of land, in guardianship and maintenance, in the giving of a woman in marriage, in the rules of inheritance. It is especially important in the law of suretyship, particularly the suretyship to abide law or to keep the peace. So long as the tie of kindred remained active they were of themselves a sufficient guarantee for their kinsman. But when, as in early English Law, the importance of the *mægð* broke down, an artificial system had to be erected. Aethelstan thus provides,<sup>1</sup>

'with regard to lordless men from whom no legal satisfaction can be obtained, we have declared that their relatives shall be commanded to settle them in a fixed residence where they will become amenable to folc-right, and find them a lord in the folc-moot. If however the relatives will not or cannot, he shall be henceforth an outlaw, and he who encounters him may assume him to be a thief and kill him.'

In fact, a lordless man very much resembled what we should describe as a rogue and a vagabond. The oath-helpers, again, in the old method of legal proof represent the kindred. As in actual combat a man would be backed by his kindred, so in an accusation he would be cleared by them. Above all, the kinsmen figure in the blood-feud. Every man has his price according to the Welsh Laws, the price of his honour or *saraad*, and the price of his life, or *galanas*. This price of his slaying, or *galanas*, fixes his station in society. A murder or manslaughter gives rise to a blood feud, which can only be composed by the payment of the slain man's worth or *galanas*. If the act of homicide is not paid for within the appointed time, it is the signal for the outbreak of war between kindred and kindred; when the members of the kindred, therefore, pay their shares of the *galanas*, they are buying their own peace. The sharing of the *galanas* we are told is one of the complexities of the law. Apart from the payment to the kindred it was usual to make a preliminary payment to the nearest relatives of the slain. A similar payment, the *heals-fang*,

<sup>1</sup> *Laws of Aethelstan*, ed. Attenborough.

is found in the Anglo-Saxon law. By slow degrees the blood-feud was checked. The Venedotian Code notes <sup>1</sup> that 'no one is to be killed on account of another, but a murderer . . . for if the kindred disown the murderer there is no claim upon them.' In England, the abolition of the feud was undertaken by Edmund <sup>2</sup> :

'if anyone slay a man he shall himself alone bear the feud, unless with the help of his friends, he pay composition for it within twelve months to the full amount of the slain man's wergild . . . if, however, his kindred abandon him and will not pay compensation on his behalf, it is my will that, if afterwards they give him neither food nor shelter, all the kindred, except the delinquent, shall be free from the blood-feud.'

Again,

'the authorities must put an end to blood-feuds. The slayer shall give security to his advocate, and the advocate to the kinsmen of the slain man, that he, the slayer, will make reparation to the kindred.'

Slowly the grip of the kindred relaxed, and the State began to take its place and usurp its functions. By Hywel's time the *cenedd* had been to some extent disintegrated. The kindred had failed, as the family had, to meet the test of efficiency. The *pencenedl*, at one time the most powerful man in the country, was in one way and another replaced by the lord. When a son was received as of kin, said the Venedotian Code,<sup>3</sup>

'the father himself may receive him, after he is lawfully affiliated to him by his mother ; if the father be not alive, the chief of the kindred, with six, may receive him ; if there be no chief of the kindred, twenty-one of the best men of the kindred, and the man who shall be in the place of the lord, is to take the boy by his right hand, and then to place the right hand of the child in the hand of the oldest of the other men, who is also to give him a kiss ; and so from hand to hand until the last man.'

This was the case in Gwynedd. But in Powys<sup>4</sup> 'if there be neither father nor chief of the kindred, fifty men are to receive and deny a child.' Thus the old law died hard. But in the matter of public services the transition was easier. At the end of fourteen years the father was to bring his son to the lord and commend him to his charge, and then the youth was to become his man and to be on the privilege of his lord. If the son died after fourteen years of age and left no heir, the lord was to possess all his property and to be in the place of a son to him ; a legacy through the Church, no doubt, from the law of adoption and

<sup>1</sup> *Ven.* III, i, 19.

<sup>2</sup> *Laws of Edmund*, ed. Robertson.

<sup>3</sup> *Ven.* II, xxxi, 25.

<sup>4</sup> *Ibid.*, 26.

arrogation in Rome. Probably the kindred held on in Wales because of the racial conservatism of the Welsh people, and the circumstances of their history; they would not accept the position of a conquered people on the mere ground of loss of territory, and claimed still, in theory, to be entitled to the whole of Britain. But the English Law had rapidly become territorial. Aethelstan had enacted that 'every man shall stand surety for his own men against every charge of crime.' If he cannot control them he is to place them in charge of a reeve whom he can trust, and who will trust the men. It is only in the last resort, if a man cannot be trusted, that twelve of his kindred are to be found to go bail for him. At last, as Maitland says<sup>1</sup>:

'we find the common law of England so utterly careless concerning purity of blood that it holds every man an Englishman if born in the English king's dominions, an alien if born elsewhere.'

Under the influence of royal justice, the Welsh Law, too, became territorial and as the group became national, the importance of the individual increased. The decline of status is seen in the difference between *galanas* and the accessories of *galanas*. Though there are degrees in the assistance rendered, there are no grades in the accessories themselves, the penalty in all cases is the same. And the kindred are to have nothing from the accessory, he only pays a fine to the lord; the whole treatment betokens a different atmosphere. But in matters of kindred the tie of kinship is hard to break; as Seebohm puts it,<sup>2</sup> 'once a kinsman, always a kinsman.' Nothing can break the kinship except the forfeiting of a man's life for treason or murder of his chief. 'Since the living kin is not killed for the sake of the dead kin, everybody will hate to see him.' Nothing remains for him but banishment, and if we can trust the quaint language of the Thirteenth Book, every one of every sex and age within hearing of the horn is required to follow the exiled person, 'to the time of his putting to sea, until he shall have passed three-score hours out of sight.'<sup>3</sup> Thus the idea of kin solidarity always prevents the development of purely individual considerations. And this principle still survives, for *status* has given way to the modern *state*, and the claims of kinship are not more exacting than those of guilds and trade unions and other ambitious and inflexible associations of our time.

<sup>1</sup> Maitland, *Collected Works*, I, 208.

<sup>2</sup> *Tribal System in Wales*, 58.

<sup>3</sup> Book XIII, i, 26.

## V. THE LAW OF PROPERTY

In striking contrast with the emphasis laid on birth and status is the comparative unimportance of the idea of property in the Welsh Laws. Wealth made no difference in a man's status. The opposite is found in the Anglo-Saxon Codes. Both the Welsh and English methods of computing status are found in the laws of Ine, 'the wergild of a Welsh taxpayer (*gafolgelda*) is 120 shillings, of his son 100 shillings'; and the principle that the head of a household is valued at a greater amount than his son is attributed to Welsh custom. On the other hand, in the same code it is stated that

'if a Welshman possesses a hide of land, his wergild shall be 120 shillings. If, however, he possesses half a hide, his wergild shall be 80 shillings; if he possesses no land, 60 shillings.'

But the relationship to material things, the contact with material resources, has this influence in Wales that it helps to narrow down the kindred. The common unit for holding land is a man, his son, grandsons and great-grandsons, holding land jointly under the name of '*gwely*' or '*lectum*.' The rights of the household chief or *penteulu* to his *tyddyn* and lands in the occupation of himself and other members of his household is termed his 'bed' or 'couch.' Vinogradoff<sup>1</sup> considers '*gwely*' to be equivalent to 'stock,' using the word in its personal sense, while *gavell* is the holding of land itself, the right of the kindred from its territorial aspect; though *gavell* is by others thought to represent a smaller group than *gwely*. One may discover three types of holding, corresponding to three stages of progress, the undivided land of the kindred as to which there was a right of survivorship; the land of the narrower group in which there was partition and succession, and to which the term *tref tād* is applied; and the land termed *tir cynyf*, acquired by purchase or by gift from the king. Gradually the tribal communities are dissolved, or transformed into communities of neighbours, 'village communities.' Class distinctions develop, manorial lordships are formed, economic pressure forces a new apportionment, and the tribal system gives way to the open field system, till enclosures put an end to the latter. The open field system was in operation in England as early as Ine's laws and was a progression towards the true idea of property since neither the land nor the produce

<sup>1</sup> *Histor. Jurispr.* I, 280.

was communally owned ; each *ceorl* would take the produce of his own strips of land. Similarly, the idea of property was developed in Wales, as in Rome, through the gradual differentiation of what a man had acquired through his own efforts from what he had received by way of inheritance.

The relation of the group or kindred to the land was at first no more than bare occupation. In the words of Vinogradoff,<sup>1</sup> ‘ there is no reason for carving out private plots when the whole system of husbandry is based on roaming about wide tracts of land.’

Probably the occupier would call it a right of property if he thought about it at all, whether it was a case of the capture of things wild and free, or the occupation of unappropriated land. When the occupation was disturbed, the Welsh Laws gave full protection to the occupier on the ground of his bare possession alone, and apparently applied the doctrine of possession more consistently than either Roman or English Law. Occupation was a form of self-help, and possession was ‘ ownership on the defensive.’<sup>2</sup> The law is stated in the Dimetian Code,<sup>3</sup>

‘ by three means land is to be sued for ; through wrong possession ; by *dadenudd* (uncovering of the parental hearth), through the occupation of father, or mother, until death ; and by kin and descent ; though the suit for land may not succeed by the first means nor by the second, it is not to be obtained the less effectually than before by the third.’

The form of pleading in the action to recover land in Wales shows how important the idea of possession was,<sup>4</sup>

‘ here is what it is right for the plaintiff to say . . . that he is appealing to the law, that he is entitled to come lawfully back to the place from which he has been unlawfully ejected.’

In the same way the importance of possession as the ground of an action for the recovery of chattels is shown in the Venedotian Code,<sup>5</sup>

‘ there are six ways in which a person may lose his property, and in three of those cases he can swear to it, and in the other three he cannot. The three cases wherein he cannot swear are, a deposit and loan, and hire, and favour ; for it is not right to enquire where these are, or to enquire to whom they are gone. The other three which it is right to swear to

<sup>1</sup> *Hist. Jurispr.* I, 321.

<sup>2</sup> Holmes, *Common Law*, 208, quoting Ihering.

<sup>3</sup> *Dim.* II, viii, 105.    <sup>4</sup> *Ven.* II, xi, 17.    <sup>5</sup> *Ven.* III, ii, 32.

are, first, theft ; the second, loss by negligence ; and the third is, surreption ; they are to be sworn to, because they were not received by another hand from his hand.'

The real meaning of this passage seems to be that a person sues for the recovery of his property on the allegation of the disturbance of his possession ; but if the article in question is bailed to another, it is for that other to sue, since the possession of the owner is not disturbed ; the Welsh Laws do not trouble about derivative possession. Throughout, whoever occupies land or possesses an article possesses it for all purposes in Welsh Law ; the laws of Wales therefore avoid the fine distinctions drawn in Roman Law between *custodia* and *possessio civilis*, and in English Law between *possession* and *seisin*. But the Dimetian Code<sup>1</sup> mentions three 'wrong possessions' : possession in opposition to the owner and against his will, and without a judgment ; possession through the means of the owner in opposition to his heir ; and possession through a guardian in opposition to the right owner, for 'an owner is one having a sure title.' Here therefore we find the symptoms of a development of the property idea, of the superiority of a right to possess over the mere fact of possession.

But it is in the effect of time or long continuance on possession that we find one of the most notable characteristics of Welsh Law, the conception of the *prïodawr*, a word which cannot be translated, and which is only imperfectly rendered by the term 'full possessor' or 'appropriator.' The idea is not found in English or Roman Law. In Roman Law, if a man possessed land for two years, he became legal owner by *usucapion*, provided certain conditions were complied with. Justinian extended the period to ten or even twenty years in favour of absentee owners '*ne domini maturius suis rebus defraudentur.*' In any case *usucapion* implied a positive acquisition of ownership by length of time. On the other hand, English Law took a different line and penalized the person who neglected to assert his remedies, by a statute of limitation. But according to Welsh Law no man held his land in safety unless his father, grandfather and great-grandfather held it before him ; and even then he was not quite safe, because he might have to share with a claimant who had done this before him, but had actually ceased to possess ; the right of a *prïodawr* not becoming quite extinct until he had become an *alltud* or foreigner, that is until the ninth generation.<sup>2</sup>

<sup>1</sup> *Dim.* II, viii, 106.

<sup>2</sup> *Ven.* II, xiv. 2.

‘ If the ninth man come to claim land his title is extinguished, and that person is to raise an outcry, that from being a *priodawr* he is becoming a non-*priodawr* (*amprydawr*), and then the law listens to that outcry and assigns to him a shelter, that is, as much as to one of the number that were on the land, in opposition to him ; and that outcry is called an outcry over the abyss ; and though that outcry is to be raised thereafter, it is never to be listened to. And others say that the ninth man is not to raise that outcry, but to descend from being a *priodawr* to being a non-*priodawr*.’

It is, however, a cardinal rule of all systems, that two men cannot be owners of the same land (apart from joint ownership), nor can two men be possessors of the same land. But in Roman Law one man might have the bare physical possession, and another the civil possession protected by an interdict. And in English Law it became possible that one man might have the possession of land while another had the seisin, as in the case of a term of years. The Welsh Law avoids both these difficulties ; but a contest might arise between two *priodorian*, one who had occupied land which had come to him as fourth man, and which he had departed from, though not to the ninth generation ; and another who in the meantime had acquired this secured possession as fourth man. If a conflict arose between them it was to be solved by the law of equality and distribution, ‘ because one *priodawr* was not to be ousted by another.’ *Priodawr* cannot therefore have meant a ‘ possessor ’ nor an ‘ owner,’ but a person with a presumptive right of exclusive occupation. The conflict between them was therefore a conflict of presumptions, a familiar problem in English Law, and unless there was some reason for preferring one to the other, they were to divide the land. Had they been really proprietors they would have taken jointly, that is, each one would have been entitled to the whole, with a right of survivorship between them.

It is clear, therefore, that the Welsh Laws attribute more importance to possession and less to ownership than either Roman or English Law, a fact which is entirely in accord with what we know of the nomadic tendencies of the population. With the break up of the tribal system individual rights became more marked, but there is in the Welsh Laws practically no alienation of land, no will of lands, no conveyancing, no system of transfer, and therefore naturally no conception of a trust, though the Church must have been familiar with wills and *fidei commissa*

in Roman Law. Under ecclesiastical influence a limited right of bequest existed,<sup>1</sup>

‘the sick is not to bequeath aught, except a *daered* to the Church, and an *ebediw* to the lord and his debts; and should he bequeath, the son can break the bequest; and such a one is called the uncourteous son. Whoever therefore shall break a legal bequest, whether *daered* or debts, shall be excommunicated as a publican or pagan.’<sup>2</sup>

The Roman Law doctrine of *inofficiositas* was thus extended in aid of the Church. Again, land might be yielded as blood-land to buy peace for the kindred by agreement between father, brothers, cousins, second cousins and the lord; this of course was not freedom of alienation; it was almost the reverse. Alienation in fact does not become common, till a superfluity of either chattels or land is found in the hands of a few, and a deficiency on the part of others, rendering an exchange imperatively necessary.

But although neither the positive acquisition of property by *usucapion* nor the negative result of prescription was familiar in the Welsh Laws, a rule of limitation, which has nothing to do with the above doctrines, was adopted in the interests of an efficient procedure, in the common form of ‘a year and a day.’

‘Whoever shall commence a suit for land, the defendant being ready to answer and then be silent and neglect his claim unto the end of a year and a day; although he should begin to proceed in the claim, after that he shall have nothing, for it is a claim beyond a year.’<sup>2</sup>

This last expression shows that the real period was ‘a year,’ the day being the first available Court day, so that if the Court sat only once in six weeks, it might amount to ‘a year and six weeks.’<sup>3</sup> So the time allowed for witnesses beyond the sea is a year and a day. The prosecutor of a criminal loses his case if he is silent for a year and a day. Even if a man allows ‘his land to remain shared a year and a day, without disturbance, without injury and be in the same country with him who is in possession of it, the law says that that person is not to answer for that land afterwards, but the suit is barred.’<sup>4</sup> This bears a striking resemblance in phraseology to the rule of prescription *nec vi nec clam nec precario*, long afterwards adopted in English Law. In the Tenth Book<sup>5</sup> of the Anomalous Welsh Laws we find this procedural

<sup>1</sup> *Ven.* II, i, 13.

<sup>2</sup> *Gwent*, II, xxx, 14.

<sup>3</sup> Maitland, *Collected Works*, II, 65.

<sup>4</sup> *Ven.* II, xvi, 5.

<sup>5</sup> Book X, xi, 15.

rule fully developed. The time to doubt a wrong decision is not lost by being passive, until a year and a day have elapsed from the wrong decision ; and if the prosecution of a suit is interrupted by the outbreak of war, the period is to run from the conclusion of peace and the knowledge of the reigning lord. This is exactly analogous to modern English Law, and in striking contrast to the Anglo-Saxon Codes, where there is no mention of prescription or limitation, nor of the rule of procedure within a year and a day. In the Plantagenet period it became familiar ; at that time the exact equivalent of the Welsh Law is found ; after final judgment in a writ of right, strangers had a year and a day from the execution of the writ of seisin, for asserting their claims ; if they took no advantage of this, they were barred. But neither in the Welsh nor in the English Law had this rule anything to do with the substantive law of occupation, possession and ownership. When, at last, individual right had triumphed, and the full conception of property had been developed, a new term, *perchen tir*, is used in the Welsh Laws, and it is said, ‘an owner of land, having no heir of his body, can appropriate his land to whomsoever he may will.’<sup>1</sup>

## VI. THE LAW OF OBLIGATION

As the idea of occupation or capture is at the root of property, so the idea of liability is at the root of contract. But the Welsh Laws show clearly that property and contract develop on independent lines. It has long been thought<sup>2</sup> that contract arose out of an uncompleted conveyance, but this is a totally inadequate explanation of the binding tie, *vinculum juris*, which constitutes obligation. A famous rule<sup>3</sup> in the laws of Wales is stated in the words, ‘every injury that a person unwittingly commits, let him wittingly redress.’ The wrong committed unknowingly must be righted knowingly. An event may leave behind it a desire for redress, or a sense of something unsatisfied, something that requires to be appeased or compensated. It has its source in the primitive feelings of mankind, as when one kicks the stone that trips him, or instinctively hits back when suddenly attacked by another. A familiar example in the Welsh Laws is the following<sup>4</sup> :  
 ‘if two persons be walking through a wood, and a branch, by the passing of the foremost, should strike the eye of the hindmost, unwarned ; let

<sup>1</sup> Book XI, i, 3.

<sup>3</sup> Book IV, i, 1.

<sup>2</sup> Maine, *Ancient Law*, viii, 334.

<sup>4</sup> Book V, i, 23.

him be paid for his eye if he lose it ; but if the other warned him, he is not to pay.'

In a law which is obviously much later in date, the idea is developed thus, 'there is one inadvertency and two advertencies.'<sup>1</sup> The inadvertency is if a person cast a stone over a house and it fall upon the head of another, his *saraad* is not to be paid because it was not done advertently, and *saraad* is only paid for disgrace. But his *galanas* is paid, because it is a loss, and there is no loss but which is to be compensated. Here again the rule is respected, 'redress wittingly what thou dost unwittingly.'<sup>2</sup> The Welsh Laws therefore recognize fully the distinction familiar in English and Roman Law between *injuria* and *damnum*, but require an independent remedy for both. On the other hand, two 'advertencies' are spoken of, a person may do something for the benefit of another, and harm result, or a person may try to save the life of another, and yet by the very act cause his death. In either of these cases there is to be no reparation, 'for with an intention of good it was done, and not with an intention of harm.' This is in contrast to modern English Law, where motive in such cases is disregarded, for the practical reason that it cannot be proved. But it throws a light on the origin of liability, the test of which is objective not subjective, and depends on the effect of the act upon the victim. He is to receive by law what he would otherwise attempt to take by self-help. The origin of obligation is in the fact that there is something to be made up for, just as to-day war is accompanied by a demand for reparation.

A distinct advance occurs when a person deliberately places himself, by some transaction, in a position of such liability. It has on this ground been supposed that contract originated in a transaction where two parties were effecting an exchange, but in which one party had not fulfilled his share. There was thus a deadlock, out of which there was no release but by performance. The theory was that the same solemn ceremonial was used for conveyance and for contract. Even conveyance itself was only made possible by a solemn proceeding in which one party claimed as his own what belonged to the other, and the other made default. Thus property was made to give way to alienation or transfer, and an unfinished transfer to obligation. Early contracts were therefore transactions, exchanges, deals, bargains, most familiarly illustrated in sales, generally effected in the presence of others,

<sup>1</sup> Book X, xvii, 13.

<sup>2</sup> *Ibid.* 12.

or in open market. Such transactions would tend to be individual, just as capture would be ; therefore we find that contract develops in this sense at the expense of status ; all forms of status, family, kindred, tribe and nation, are broken up by the demands of commerce ; the laws of economics play havoc with tribal and political arrangements.

But the Welsh Laws show that contract is much older than any such transactions. Probably the earliest form of voluntary liability was religious, by the taking of an oath, or by the speaking of solemn words as in the Roman stipulation. In early English Law it was customary to enforce promises by seeking the religious sanction of the spiritual courts. For example, in the laws of Alfred, '*God-borg*' is mentioned, 'A solemn pledge given under the sanction of God,' the appeal being to God instead of a human surety, *mennisc-borg* ; a transaction that would probably be confined to persons of high standing and agreements of importance like marriages and settlements. This contract is in the Welsh Laws termed *briduw*, 'if a person give his *briduw* to another, let him either pay or deny it.'<sup>1</sup> The Welsh Law is, however, much more exact in describing it. The difficulty was felt that such a solemn vow would be liable to abuse. Therefore we find the significant clause, 'though it should be said to be a *briduw*, we say it is not a *briduw*, unless the three hands meet ; and there is no surety nor *gorfodog* unless the three hands shall meet.'<sup>2</sup> Three parties must therefore take part, the two contracting parties and a third to guarantee the performance,—an idea that goes to the very root of all legal procedure. Consequently 'the church and the king are to enforce the *briduw*, for God has been taken instead of a surety.'<sup>3</sup> Not every person could enter into such an undertaking, but 'from every person who has been baptised the *briduw* is to be taken as well man as woman.'<sup>3</sup> The formality in Welsh Law was therefore not so much the speaking of solemn words, or the making of a formal deed or covenant, as the grasping of hands. The common formality of the hand-clasp is found in all the Welsh forms of contract, *briduw*, *amod*, and *mechniaeth* or suretyship, the oldest, perhaps, of them all. The parties meet, and grasping hands, enter into their undertaking ; in a sale, the property passed the moment the bargain was concluded by the hand-grasp. Its origin perhaps is found in the customs relating to marriage, or perhaps earlier still, in the fact that the hand is

<sup>1</sup> *Ven.* II, vii, 1.

<sup>2</sup> *Ibid.* 3.

<sup>3</sup> *Ibid.* 4.

used in making a capture, or in holding fast that which has been appropriated. In the earliest form of procedure before the Praetor, both parties grasped the slave, animal or chattel by their hands, and the proceedings were commenced by an order to release the slave, pending the decision of the case. The reference is perhaps to the use of weapons in war, in which case, '*mittite ambo hominem*' would correspond to the order, 'lay down your arms.'

The formality of contract by the taking or grasping of hands is illustrated in marriage customs. Two forms of marriage occur prominently in early law. The older we may conveniently call by the Roman term *Coemptio*, a sale of the woman to the man, probably descended from seizure by force, a custom of which there are survivals in the wedding ring and other ceremonies of marriage. In Cicero's time this was the usual form of marriage in Rome, and it was accompanied by *manus*, that is the wife passed from her family into the power or 'hand' of her husband. But there was another form of marriage termed *Usus*, not so common or reputable in Rome because of the rigidity of *patria potestas*, but common enough elsewhere. It was often termed 'handfast' marriage, a survival of which is to be seen in the joining of hands, and in the giving away of the bride by the representatives of her kindred. In such a marriage the wife did not fall under the *manus* of the husband, but acted rather as a free agent, and still remained a member of her own kindred. There was a mutual obligation of which the outward symbol was the clasping of hands, as distinguished from seizure by force. Vinogradoff points out<sup>1</sup> that in the York charters the term 'wedded wife' alternates with 'handfast' wife, signifying 'bound or tied by a contractual pledge.' It is fully described as observed in Wales by Giraldus. No doubt in cases of abuse it would lead to irregular marriages, for which indeed the Welsh Laws amply provide. But it signifies the greater freedom of women in Wales as compared with many other systems of law. 'Every woman is to go the way she willeth freely, for she is not to be home-returning; and nothing is due from her, except her *amobyrr*, and only one *amobyrr*.'<sup>2</sup> Nor did the woman lose her freedom by marriage, 'a woman ought neither to buy nor sell without consent of the husband unless she be married; if she be married, however, she may buy and sell.'<sup>3</sup> This is in striking contrast to English Law, and is not in the least

<sup>1</sup> *Histor. Jurispr.* I, 247.<sup>2</sup> *Ven.* II, i, 55.<sup>3</sup> *Ven.* II, i, 60.

depreciated by the fact that it required the Statute of Rhuddlan to give woman her dower. Freedom to contract was of the very essence of this formal hand-contract. If the hand were laid on the arm or shoulder instead of in the clasp of the other hand, the act would constitute an insult or *saraad*; it would have the appearance of a *manus injectio* or seizure for debt, and would be a denial of the other person's honour. Similarly in the contract of suretyship, the Dimetian Code provides<sup>1</sup>:

“it is necessary in producing a person to become surety, that three hands come together, the hand of the surety, the hand of the person who shall give him as surety, and the hand of the person who shall accept him as surety, and thus mutually plighting of troth, from hand to hand. If there be one hand wanting of these, in mutually plighting, it is denominated a slip surety . . . the nature of a slip surety is that one end is bound and the other loose.”

It might happen, however, that further evidence of the genuineness of the contract was required in the Welsh Laws. The contract termed *Amod deddfol*, or simply *Amod*, was entered into by the grasping of hands, and in the presence of witnesses, termed *Amodwyr*. This was particularly requisite in mercantile contracts, e.g. contracts of sale. The object of witnesses in such a transaction was to prevent theft and to protect the purchaser of stolen property. Sales were therefore conducted in ‘port,’ some secure place where the bargain could be completed openly. It was the duty of the *port-gerefa* to witness such sales, exercising the functions of the Curule Aedile. Therefore it is said in Eadweard's Ordinances,<sup>2</sup>

‘I will that every man have his warrantor, and that no man buy out of port, and if he buys out of port, then let him incur the king's “ofer-hiernes,” that is, the king's penalty for insubordination.’

Hence the protection now awarded to sales in market overt. Each of these witnesses took an oath,

‘that he never, neither for money nor for love nor for fear, will deny any of those things of which he was a witness, nor declare any other thing in witness save that alone which he saw or heard.’

If A, for example, were selling a horse to B, A would warrant the soundness of the horse, and B would afterwards take oath before the same parties,

<sup>1</sup> *Dim.* II, vi, 6, 7.

<sup>2</sup> *Ordinances*, I, 1.

‘ in the name of Almighty God thou didst engage to me sound and clean that which thou soldest to me and full security after claim again, on the witness of N and M who were then with us two.’

The witnesses were therefore an additional safeguard, for as it is said,<sup>1</sup>

‘ if a person make a contract with another, without contract men being present, only by mutually pledging of hands, and one of them be minded to deny it, his own oath only is required to deny it.’

The real safeguard, however, was the provision of a surety—indeed there are grounds for thinking that suretyship was itself an independent contract and the earliest of all. The surety in law took the place of the hostage in war, and the giving of hostages was by no means confined to international dealings. In early law there is the giving of security at every step. So the chief of Welsh contracts is *mechni*, in which the position of the surety was entirely different from that of the witness in the *amod deddfol*. For the witness was only a witness, but the surety was liable to make good the deficiency of the debtor. Closely connected is the custom of vouching to warranty or *arddelw*, the person vouching or warrantor being sometimes termed *arwaesaf*, though sometimes *arwaesaf* is the equivalent of guarantee. The Venedotian Code contains the question, ‘ Who will *arddelw* or *arwaesaf* this ? ’<sup>2</sup> which would mean, ‘ Who will vouch for or guarantee this ? ’ The rules as to warranty might be very intricate. It is provided, for instance<sup>3</sup> that

‘ a horse is to be warranted against three disorders : against the staggers, for three dewfalls ; against the black strangles, for three moons ; and against the farcy, for one year ; also as to restiveness, until he shall be ridden three times, amidst a concourse of men and horses.’

There can be no question that the laws of Wales reached a very advanced stage on the subject of contract, not only contract in general, but particular kinds of contract, such as *cyfnewid* (sale or exchange), *adneu* (deposit), *llög* (leasing or hiring), *benffyg* or *echwyn* (loan for use or loan for consumption). This may have been due to the influence of growing commerce ; but it was also due to the Church. No trace exists in Wales of the Roman doctrine of *causa* ; no difference is noted between *nude pacta* and *pacta vestita* ; if a contract can be proved it does not require

<sup>1</sup> Ven. II, viii, 5.

<sup>2</sup> Ven. III, ii, 37.

<sup>3</sup> Ven. III, iv, 13.

further to be clothed with actionability. Nor is there any trace of the English doctrine of consideration; the perusal of the Welsh Laws indeed, suggests that the requirement of consideration may not be quite so vital to the conception of contract, and may represent but a transitional stage in English Law. In Wales, however, according to the words of the Dimetian Code,<sup>1</sup> 'Every cause according to its contract; it is not a contract without contractmen, a contract is to be abjured like suretyship'—that is, the binding tie has to be released by a method equally binding. Again, in the same Code,<sup>2</sup> 'no one is to make a contract for another without his permission; since a contract only lasts during the life of him who makes it.' Here is the doctrine of privity of contract, and the familiar *actio personalis moritur cum persona*. So binding is the contractual tie, that 'although a contract be made in opposition to law, yet it is to be observed.'<sup>3</sup> 'A contract annuls a custom.'<sup>4</sup> A contract is even 'stronger than justice.'<sup>5</sup> A paragraph from the Dimetian Code<sup>6</sup> anticipates several decisions in modern English Law, and goes far to prove the maturity of Welsh Law in those mediaeval times:

'Whoever shall break a contract and repent, and call for the contract to be kept anew, he cannot by law; for whoever discards a thing however binding, whether contract or other thing, has no claim to it afterwards, for he broke the contract and discarded it; the person with whom the contract was broken may claim the contract, for he neither broke the contract nor discarded it, and therefore he is to have the contract back.'

The significance of this passage is that the Welsh Law had progressed very far in the recognition of a contract as based on *consensus*, a union of wills directed to a common purpose.

## VII. THE LAW OF PROCEDURE

Of particular interest among the Welsh Laws are those which deal with Procedure. No distinction is made between tort and crime, between civil and criminal procedure, between a civil suit and a criminal prosecution. Indeed compensation itself is regarded as penal, which it surely is, for no wrong can rightly be the subject of compensation. In the Venedotian Code,<sup>7</sup> there is one passage which might lead one to think otherwise.

<sup>1</sup> *Dim.* III, vi, 4.

<sup>2</sup> *Dim.* III, vi, 5.

<sup>3</sup> *Ven.* II, viii. 11.

<sup>4</sup> *Ven.* II, viii, 10; *Dim.* III, vi, 7.

<sup>5</sup> *Dim.* III, vi, 8.

<sup>6</sup> *Dim.* III, vi, 10.

<sup>7</sup> *Ven.* III, ii, 42.

‘By the law of Howel, for theft to the value of fourpence, the thief is saleable, and for a greater amount forfeits his life. Others say that for every four-footed animal that is stolen, the thief forfeits his life, nevertheless it is safest to restrict it to fourpence. Seven pounds is the worth of a thief who is to be sold. He who forfeits life is not to lose any of his property, because both reparation and punishment are not to be exacted, only payment of the property to the loser, and he is to pay the loser because he ought not to leave a claim upon him unsatisfied. In the law of Howel there was a payment for theft and a second payment; and then Bleddyn, son of Cynvyn, altered this rule, because it suffices to pay a person for his loss according to his oath.’

‘Here are three elements, punishment by death, punishment by compensation (to ward off vengeance), and mere reparation or damages. There is therefore a development in the law; in English Law, both the punishment and reparation would apply, the former at the hands of the State, the latter at the hands of the victim, precedence in time being shown to the former. Recent changes have tended to combine the remedies, a criminal may be directed to make restoration of the property and his punishment relaxed accordingly. The key to early procedure is the fact that ‘every settlement of dispute in tribal surroundings was a treaty of peace.’ The object was not the investigation of rights, but buying off vengeance. The conflict was not so much between individuals as between kindreds. A man’s ‘people’ were to be feared as much as himself. The proceedings throughout were efforts to check war, and the difficulties were those now felt in securing international arbitration.

The earliest procedure of course is self-help. Even to-day it forms the chief part of all our procedure, just as nine-tenths of the law under which we live never comes to the notice of the courts at all. One might almost say that resort to the courts is an instance of the failure of the law, just as every infliction of punishment is an instance of the failure of that punishment. Similarly in international affairs, diplomacy is able to settle most disputes without resort to war or to arbitration. There are traces of such forms of self-help in the Welsh Laws. The most obvious is self-defence. ‘If a person in the defence of himself or his property, kill another or do *saraad* to him, he is not to make reparation if in sincerity he can prove it to be true.’<sup>1</sup> Another is the use of the oath, called in the Welsh Laws *llw gweilydd*, literally the oath of the sparer, by which a person spares another or lets him off.

<sup>1</sup> Book XI, iii, 16.

It was offered in the presence of a cross and witnesses, and it is specially provided that it is to be strictly extra-judicial. It is not a charge, but in lieu of a charge. 'Is a lawful charge proper for compelling the oath of an absolver? It is not proper. If there were a lawful charge there would be two oaths.'<sup>1</sup> And they would be mutually contradictory. That such an oath is not to be used as a form of stress is shown by the fact that it must not be administered where the suspected person is at a disadvantage, for example, at the door of a church or a churchyard, or on a bridge over a river made of only one tree.<sup>2</sup> Other forms of self-help are the more familiar ones of pledge and suretyship to abide law, and it is characteristic of Welsh Law that it relies more on suretyship and less on material pledges than either the early Roman or English Law. The very words 'appeal,' 'plaint,' 'hue and cry,' 'cry over the abyss,' '*raith* of country' belong to procedure independent of the courts.

When an arbitrator is called in we have the beginning of a trial; though the word 'trial' is inappropriate to describe the proceedings; the parties in fact try their own issue, they 'clear' themselves or 'acquit' themselves or 'absolve' themselves. The old word is not 'trial' but 'proof,' *purgatio* or *defensio*. With this 'proof' the arbitrator has nothing to do; he is there merely to regulate the proceedings; the proof is that required by law, not by the court. The function of the judge at most is to prepare the case for proof. The long-continued presence of judges who, according to Gildas, had existed in Wales for centuries before Hywel Dda, had regularized the procedure. That procedure, in Welsh Law, was that the judge asked the lord to place the law between the parties, as if it were a barrier to prevent fighting, the case being thereafter conducted between them under the guidance of the judge. In early Rome the procedure was then the taking of an oath or *sacramentum*, a term which also came to be applied to the oath-money or deposit made by the parties, which was also a penalty to be paid by the loser in the suit. This sum of money or wager was over and above the value of the thing in dispute, and was intended to defray the cost of the proceedings or to be a penalty from the litigant who was adjudged to be in the wrong. There was therefore a wager to abide the result of the action. The function of the praetor would be to decide precisely on what statement the *sacramentum* should be laid, and he would

<sup>1</sup> Book XIV, xiii, 4.

<sup>2</sup> *Gwent*, II, xxxix, 34.

compel the parties to stake their cause upon that issue. In Wales, however, surety in law is taken, which in cases of landed property must be living persons. Silence in the field is called for, the officers of the court take their places, each party is asked who is his pleader and guider (*cynghaws* and *canllaw*), and whether he will put to lose and to gain in their hands.<sup>1</sup> 'Then it is right for the judge to say to the plaintiff, "State now thy cause," and then it is right for the plaintiff to begin pleading. The Laws then proceed to outline the plaintiff's statement of claim,—the defendant is not called upon till this has been done; the Welsh apply the rule *praesumitur pro negante*.

It is at this stage that we should expect to find complaint witnesses as distinguished from proof witnesses. There has been much confusion between them, and perhaps early procedure was not very clear on the point, notwithstanding its technicality. Complaint witnesses would have nothing to do with the trial itself; they belonged to the preliminary allegations, the pleadings, like the profert of a deed on which an action was grounded.<sup>2</sup> It is clear that the parties had to state with great exactness, and indeed at their peril, how many witnesses they had, and who they were, or that they had 'enough to know.' But was the complaint itself required to be substantiated at the commencement by witnesses? Some indication of this is given in a passage from the Venedotian Code<sup>3</sup>:

'If there be any who shall say it is necessary that guardians and evidences be produced by the same party, we say that may be done until the reply of the défendant shall be heard.'

This looks like a ruling on a point of controversy. It is the nearest thing in the Welsh Law to the *secta* of early English Law, in one of the meanings of that much-disputed term. It is said to have been the office of the *secta* to support the plaintiff's case in advance of any answer from the defendant. The circumstances might be so conclusive that trial would be refused. So the Welsh Law provides that the defendant's answer shall be nugatory till he hear the claim. The exhibition of a wound, the production in court of the mainour, or, later on, of a document, might require no answer, being in itself 'the best evidence.' Perhaps the same thing happened in Welsh as in English Law, and the

<sup>1</sup> *Ven.* II, xi, 15.    <sup>2</sup> Thayer, *Preliminary Treatise on Evidence*, 10.

<sup>3</sup> *Ven.* II, xi, 18.

complaint witness, if he ever existed, became a mere form ; the witnesses not being further differentiated in this way after the disappearance of the older modes of proof. In England the *secta*, notwithstanding Magna Carta, soon became a formality and degenerated into a fiction ; though for centuries the pleadings still ran *et inde produxit sectam*.

The judgment in the case consisted in deciding which of the parties was to have the benefit of proof, in other words which of them was to be called upon to clear himself. As proof was one-sided, this was a real privilege ; and though the proof might be a perilous proceeding, as soon as it was decided who was to have it, the case was really over. A party might clear himself in several ways. The earliest mode no doubt was by offering battle, once a real battle, but later a proceeding whereby a person offered to maintain the truth of what he had said by his body, claiming that he could by the grace of God vanquish him who denied the statement. If the latter refinement of a wager of battle did not exist in Anglo-Saxon times, perhaps the reason was that much more real and promiscuous fighting was common ; and no doubt that was true at one time of Wales, for at least one passage in the Welsh Laws shows it must have existed there.<sup>1</sup> If the king and his officers were strong enough to persuade the combatants to abandon real fighting, they would be strong enough to substitute for it something more satisfactory than a minor or simulated fight. The second method, Ordeal, a direct appeal to Divine interposition by the accused, to vindicate the truth of his own statement or that of his witnesses, was common in England but not in Wales, though there is one mention of three ordeals by the law of Dyfnwal ; it is mentioned, however, rather to be rejected than approved.<sup>2</sup> We may safely say that even in that dark age neither battle nor ordeal was countenanced in Wales. The usual method of proof in early times was by Oath, supplemented where necessary by Oath-helpers. That these compurgators were not a jury is sufficiently proved by the fact that the accused chose them himself, and he might choose them from his own kinsmen ; he was indeed supposed to do so, for the whole process was a survival of kindred solidarity. As in grave cases the oath-helpers were required to be fifty or more, the area might be enlarged to include the remoter as well as the nearer kin, and the accused was allowed to produce them from both *cymwds* of the *cantrev*. So important for the

<sup>1</sup> Book X, ii, 9.

<sup>2</sup> Book XIV, xiii, 4.

preservation of the peace was this feature of joint responsibility that we find, in the Anglo-Saxon system, that if a man had no kindred he must be given a group or association.

‘The tithing was bound to produce the accused member, and if they failed they paid; they could make oath for him on his trial, and if they failed herein they paid. . . . Such assistance was not only socially meritorious but economically correct.’<sup>1</sup>

Both in the Welsh and English Laws the rules are numerous and complicated. They apply to the terms of the oath that must be taken, which must be scrupulously observed, for ‘fail in a syllable fail in your case’; rules apply also to the number of compurgators, varying from three or four to six hundred; to the quality of the oath-helpers, for *nod*-men or men of mark, like thegns, counted for more than ordinary men; even to the form of the denial, for, as the Welsh Law says,<sup>2</sup> there were three sorts of denying; a denial altogether in which the *raith* or compurgation was fixed; acknowledging part and denying the complete act, when the fixed *raith* must be augmented, as in the case of accessories to *galanas*; and denying part and acknowledging another part without a criminal act; for instance a surety would swear as one of seven in denying a suretyship entirely, but he might swear alone in denying a part. It is interesting to observe that the word *raith*, which is similar to ‘right’ or ‘justice,’ has in the Welsh Laws come to signify the method of proof by compurgation itself, and the same thing is found in English Law. The medial judgment, which directed the proof that must be given, was called *judicium* or *lex*, and these terms came to be applied not only to the judgment, but to the proof itself. As ordeal and battle gave way to compurgation, when the defendant gave security to perform the medial judgment, he was said to wage his law; proof and law in England, proof and *rhraith* in Wales, became synonymous.

There was, however, another and much more refined form of one-sided proof which played a great part in the laws of Wales, namely, proof by witnesses. There was nothing, of course, like the modern law of evidence; though advocacy was common, there was no cross-examination; the statement on oath of the witnesses themselves decided the question; the vital point was the fact that the statement was made, not the fact that it was true; it might be challenged or attacked, but it was not sifted, its relevancy or otherwise never came into question at all. Certain facts like the

<sup>1</sup> Carter, *Hist. of the English Courts*, 4.

<sup>2</sup> *Dim.* I, xxx, 4.

ownership of chattels, and certain transactions like sales of goods, were particularly appropriate for this form of proof. Thus resort to witnesses continually increased, and the more the law required witnesses for certain acts, the more they were relied on for proof when necessary. The advanced character of the laws of Wales is particularly marked in the reliance placed on this method of proof—not trial—by witnesses, and in the exact differentiation of the witnesses themselves. There was a class of witnesses whose word was conclusive, not as being an irrebutable presumption, but as not to be contradicted. For instance, a lord between his two men, a father between his two sons, a judge as to his judgment, a giver as to his gift, a contract-man as to the terms of a contract, or even a thief at the gallows respecting his fellow-thieves. The parties thus ‘put themselves’ on one man who knew the facts. Under other names a similar type of witness is often found in English Law. In the King’s Bench we find an early case<sup>1</sup> where the defendant asserted that the plaintiff assigned him to pay money to the Earl of Oxford. The plaintiff denied this *et se de hoc ponit super ipsum comitem*. The defendant doing the same, a writ was sent to the Earl who came and testified the assignment was made, and this concluded the matter. There was a further class of witnesses called guardians, ‘a guardian is one who maintains or guards the right of another person with his consent.’<sup>2</sup> They had limited functions, like an attesting witness, but they were not to be contradicted by evidences or witnesses in the ordinary sense. These terms, ‘evidences’ and ‘witnesses,’ are translations of ‘*gwybyddiad*’ and ‘*tyst*.’ The word ‘evidences’ is found in early English Law to describe charters, records and writings exhibited to the jury; but the same term might be used of any means taken to ‘inform’ the jury. The term ‘*gwybyddiad*’ in fact corresponds much more closely than any other to the modern ‘witness,’ for he is the man who knows, who can testify to a fact in issue because he has seen it, or has first-hand knowledge of it. But the *tyst*, as distinguished from *gwybyddiad*, is literally one who attests or supports the genuineness of another fact. The *gwybyddiad* seems to be the original source of information, while the *tyst* adds the necessary mark of genuineness to what is already before the court. Therefore it is said ‘evidences are stronger than witnesses; for many “evidences” may be brought

<sup>1</sup> Carter, *Hist. of the English Courts*, 139.

<sup>2</sup> *Dim.* II, viii, 106.

as to one thing, whereas there can only be two witnesses.'<sup>1</sup> This, in itself, is clear proof that this kind of witness is a testifier or attestator or supporting witness, and not one speaking from original knowledge of the facts in issue in the case. Moreover, a person may be subjected to a fine or sold, through evidences, but not through witnesses; while, again, evidences can prove in opposition to a denial or defence, which is not true of a witness.<sup>2</sup> The Welsh Laws seem to have proceeded very far in this reliance on witnesses, in the larger sense of the term, in preference to mere strings of oath-helpers. Is it possible to go farther and say that these proof-witnesses mark the transition to the system of trial by jury? It would not be difficult to imagine such a transition. It was a custom over a long period in England to summon witnesses to deeds along with the jury proper, who were themselves originally persons who spoke of their own knowledge. In fact Brunner records that in some cases the old proof by witnesses was transformed at the hands of the royal power into an inquisition,<sup>3</sup> the witnesses being selected by a public authority, as they were on the ordinary jury. It is worth inquiring whether the Welsh Laws have any contribution to make to the origin, history or development of the jury. It has been confidently stated that trial by jury existed in Wales long before it did in England. The truth seems to be that the word 'jury' has been used to describe very different processes. There was at Rome under the formulary system a marked distinction between proceedings *in jure*, to define the issue, and *in judicio*, to settle the question of right. Either a single judge or a number of judges obtained from the praetor an oral summary of the pleadings, and later the same procedure was as the result of treaty extended to foreigners, under the name *recuperatio*; the referees being three or five *recuperatores*. Such a process was adopted in the interest of foreigners in order to avoid the denial of justice to them, 'which, incidentally, might give rise to diplomatic complications'<sup>4</sup>; on this ground the right was sometimes stipulated for by treaty. Thus trial by jurors was substituted for trial by one juror, and the sentence was determined by a majority of votes. In the *centumviri* or *decemviri litibus judicandis* or *recuperatores*, some writers profess to discover the germ of the jury system. But

<sup>1</sup> *Dim.* II, viii, 86.

<sup>2</sup> *Dim.* II, viii, 87.

<sup>3</sup> Thayer, *Treatise on Evidence*, 19.

<sup>4</sup> Strachan Davidson, *Problems of the Roman Criminal Law*, I, 213.

their function does not appear to have been a jury function confined to a question of fact in the modern sense. On the other hand, the jury in Normandy and in England is said to have been merely an application of the Carolingian system<sup>1</sup> termed *inquisitio*, employed in the king's interests or by a royal officer, who would order that a group of men be sworn to declare what lands or what rights he had or ought to have in their district. He, the king or royal officer, assumed to himself the privilege of ascertaining his own rights by means of an inquest. It was therefore not a popular but a royal proceeding. Another view is worthy of consideration,<sup>2</sup> that trial by jury originated in the embarrassment experienced by the itinerant justices of England in doing without the ordeals, which the Lateran Council had prohibited. Twelve of the neighbours of the accused were assembled to declare the truth about the matter, their verdict being regarded as equivalent to the judgment of God.<sup>3</sup> According to this view, the ordeals and the jury were the equivalent of each other, since 'a presumption of oracular infallibility was attached to the verdict, the grounds of which were not stated. The verdict is a "constat" of fact, not a judgment properly speaking.'<sup>4</sup> But nothing corresponding to this can be discovered among the Anglo-Saxons. The nearest analogy is a law of Ethelred<sup>5</sup> that

'a court shall be held in every wapentake, and the twelve leading *thegns* along with the *reeve* shall go out and swear on the relics which are given into their hands, that they will not accuse any innocent man or shield any guilty man.'

This is, however, a jury of accusation, not a jury of trial, rather resembling the Scandinavian jury found in the oldest Norwegian and Icelandic codes,<sup>6</sup> altogether different in character and functions from the recognitors employed by the Frankish kings. Yet even Maitland<sup>7</sup> seems unwilling to admit there is no trace of this particular royal proceeding in any of the British Laws or customs. However, a passage exists in the Fourteenth Book<sup>8</sup> of the Welsh

<sup>1</sup> Esmein, *Continental Criminal Procedure*, II, ii, ch. I.

<sup>2</sup> Hubert Lewis, *Ancient Laws and Institutions of Wales*.

<sup>3</sup> Tarde, *Penal Philosophy*, 437-9.

<sup>4</sup> Esmein, *Continental Criminal Procedure*, App. B.

<sup>5</sup> *Ethelred's Laws*, III, 3, 1, ed. Robertson.

<sup>6</sup> Repp, *Trial by Jury in Scandinavia*, 9.

<sup>7</sup> Pollock and Maitland, *Hist. of Eng. Law*, I, 122.

<sup>8</sup> Book XIV, xiii, 4.

Laws, which contains a hint of the inquest by sworn recognitors, of its adoption by a royal officer, and of its manifest superiority to the older forms of proof.

‘There were three ordeals by the law of Dyvnwal, for theft or *galanas* or treason to a lord ; the hot iron ; second, the boiling water, by putting the limb that did the deed therein ; the third was combat to such as should demand it lawfully ; and there would be no punishment for the one who might overcome in the combat, that was instead of proof ; and so in amending the laws Howell the Good and his judges observed that that was not just ; so they established proof by men, for combat they did not commend, and proof of deed willed, where that might be appropriate, and *raiths* for reputed acts, and conceded to every body his denial, until it should fail him, and guardians, and *arddelw* for thefts in hand ; nor when they might fail, that his defence should fail to the person ; and in addition to that, the justice of the country (*gwir gwlat*) enlightening others ; and as to claims of a lord in particular ; since it is not pertinent for a lord either to swear on a relic, in prosecuting, or to swear on a relic, in swearing to property, or to swear in proving before evidences.’

We have in this passage some reference to (1) a proceeding which was appropriate to the claim of a lord, (2) adopted as an alternative and preferable to the method of proof by compurgation, (3) which was considered specially appropriate in ‘swearing to property.’ When we consider the history of the jury in England, we find ‘it spreads outwards from the king ; it is an assize, an institution established by ordinance.’ It is entirely in keeping with the spirit of Hywel’s administration, the gradual encroachment of the lord’s court on the rights of the kindred and the jurisdiction of the doomsmen. As the popular courts ‘found the dooms,’ the jury are to ‘find the truth’ *veritatem dicere*, about certain matters. And it was in trying claims to land that the jury of sworn recognitors was first used, especially the claims of the Church in collision with the State, when it would be natural for the Welsh Laws to safeguard the claims of the king. Both under the Grand Assize and the Assize of Novel Disseisin the recognitors were sworn to found their verdict upon their own knowledge, ‘*per proprium visum suum et auditum*’ as Glanvil says. Gradually jurors change from being witnesses into judges of facts ; questions are being submitted to the twelve which they cannot possibly answer if they may speak only of what they have seen with their own eyes. It becomes their duty to inquire about facts before coming to Court. The system of ‘afforcement’ aids

in the change, until the jury are at last completely severed from the witnesses. But their judgment is not of law, but of the truth of the matter. So Bracton says, '*de veritate discutiant (juratores) et judicent.*' Moreover, the jury are subject in case of perjury and mistake in general verdicts to the process of attain, already familiar to Welsh Law. The system was extended from fiscal purposes to private disputes about land and then to the trial of persons accused of crime. The latter were asked whether they would put themselves on the country, that is, a second jury was chosen from the neighbours present ; there was a marked distinction between the jury of presentment and the jury of deliverance, and no member of the former could be put on the latter if the accused objected. Whether these stages of development were realized or not, the transition to some kind of jury to inquire into the facts seems to have been known in Wales.

According to one statement,<sup>1</sup> when Llywelyn ab Iorwerth did homage to King John it was agreed that if any complaint should be made respecting any of Llywelyn's possessions he should first decide whether to try the cause by the law of England, or the law of Wales.

'If he determined to rely on Welsh Law, it was first to be settled whether Llywelyn could have a court or not ; and if he could not, the king promised to choose discreet men out of those he could trust, and to send them into Llywelyn's land, in whose presence the cause should be tried by Welshmen selected for the purpose, from districts not interested in the result, and their decision was to be received as law,'

a regulation which is stated by the commentator to be in effect a trial by jury.

However that may be, it is much more relevant to our purpose to rely on the fourteenth clause of the Statute of Rhuddlan :

'Whereas the people of Wales have besought us that we would grant unto them, that concerning their possessions immovable, as lands and tenements, the truth may be tried by good and lawful men of the neighbourhood, chosen by consent of parties.'

The wording of this clause exactly corresponds to the function of the jury, *veritatem dicere*. The difficulty is caused by the last words, for a jury ought not to be the choice of the parties at all ; the clause however only states that they are to be chosen with the parties' consent, as if they were asked to put themselves on the

<sup>1</sup> Woodward, *Hist. of Wales*, 345.

country ; no jury was forced upon the parties. The statement, therefore, seems to imply that what the lord had found useful in trying his own claims, was being adopted more generally in questions relating to ' possessions immovable, as lands and tenements.' The clause goes on to say, as to things movable,

' they may use the Welsh Law, which was this, that if a man complain of another upon contracts or things done in such a place that the plaintiff's case may be proved by those who saw and heard it . . . that in other cases which cannot be proved by persons who saw and heard, the defendant should be put to his purgation.'

The latter clause, perhaps, does not refer to the jury but to the proof by witnesses, since compurgation would not have been advisable as an alternative to a real trial by jury. At the end of this clause, an exception is made of ' thefts, larcencies, burnings, murders, manslaughters and manifest and notorious robberies,' no doubt because these were being reserved for the king's courts in which it was essential there should be uniformity of procedure throughout the country. That the transition to a jury trial might have occurred naturally in Wales is further shown by the fact that the word *rhaith*, originally used for the ancient mode of proof, continued to be applied to the jury—still known as *rheithwyr*.

### VIII. CONCLUSION

There may be some ground, therefore, for saying, as many writers have said, that the influence of Wales on English Law is greater than has been generally acknowledged. ' These laws of Wales,' says Professor Maitland,<sup>1</sup> ' form a legal literature of very great interest which is crying aloud for a competent expositor.' To any unprejudiced inquirer they will seem quite modern by the side of the Brehon Law, the Sachsenspiegel and other codes of law. Their clearness, terseness, practical efficiency and freedom from legendary and irrelevant matter will commend them at once. Their real merits have been obscured by the character of the legislation relating to Wales since the Statute of Rhuddlan. The Statute of the great Plantagenet seems friendly in spirit. In its preamble the king gratefully records that the relationship between himself and the land of Wales is now personal rather than territorial. And, further, the law enacts,

<sup>1</sup> Maitland, *Collected Works*, II, 80, n. 1.

‘Whereas the custom is otherwise in Wales than in England concerning succession to an inheritance . . . our Lord the King will not have that custom abrogated, but willeth that inheritance shall remain partible among like heirs as it was wont to be,’

though he goes on to provide that in certain events women may have a share in the inheritance, ‘although this be contrary to the custom of Wales before used.’ But this notwithstanding, one may search in vain through the 142 Acts of Parliament, so conveniently gathered together, in *The Statutes of Wales*,<sup>1</sup> for any guide to the real value of the old Welsh Laws. Yet it is within the knowledge of anyone who has given thought to the matter, that some of the features of the Code of Hywel Dda and his successors are now incorporated in the modern English Law. Among them are the supremacy of the rule of law itself; the high degree of personal freedom; the unimportance of distinctions based on wealth; constitutional monarchy, of older growth in Wales than Norman England; the breakdown of the feudal system in favour of the right of the inhabitants to the occupation and use of the land; the absence of distinction between realty and personalty; the change from a system of primogeniture to an equal division of land; the absence of conflict between the ecclesiastical and common law courts; and the early adoption of proof by witnesses and trial by jury in place of the ordeal and wager of battle. No doubt if the old Proof Books of Welsh Law could have been published they would resemble and anticipate much that is in the noted Year Books. And certainly no codification or consolidation attempted in the United Kingdom has equalled in scope and comprehensiveness the Code of Hywel Dda. No one, of course, suggests that the Roman Corpus Juris, the Welsh Code and the scattered Anglo-Saxon Codes can really and adequately be compared; it would be like comparing a world-capital city, a mediaeval town, and a small, though picturesque, village. But from the very contrast between them, something may be learned. The reason for studying Roman Law, said Viscount Bryce,<sup>2</sup> is not that it is like, but that it is unlike English Law.

For a country may survive through its law when its political institutions have perished or been abandoned. Thus Roman Law survived the fall of Rome and the Roman State; not only

<sup>1</sup> *The Statutes of Wales*, ed. by Judge Ivor Bowen.

<sup>2</sup> *Report of Commission on the University of London*.

survived, but witnessed a brilliant revival, and even retained its vitality to the present day ; as Vinogradoff says,

‘ Within the whole range of history there is no more momentous and puzzling problem than that connected with the fate of Roman Law after the downfall of the Roman State.’<sup>1</sup>

Similarly the English Common Law is the real bond that unites all English-speaking people, whatever their political or national differences, whatever may be the fate of their governments. Is it too much to claim that the real merit of Hywel Dda is that he gave expression to the law-abiding instinct of the Welsh people, and their constructive skill in appealing to right instead of force ? Have not all these systems some common aim or purpose ? By the action and interaction of one system on another, the law itself is rendered more exact, more serviceable. And since all law in the last resort is but the demand of the higher upon the lower, none of these systems can be final, but in the conflict between them, the higher law has a better chance.

T. A. LEVI.

<sup>1</sup> *Roman Law in Mediaeval Europe*, 2.



## THE LAND IN ANCIENT WELSH LAW

(NOTE.—This sketch contains little that is new or which has not been dealt with, much more fully, in the writer's book on *Welsh Tribal Law and Custom*. The sole object of it is to give a summary bird's eye view of the main features of the impact of the clans and of the unfree population upon the land in old Wales.)

§ 1. The material which is available in regard to the land in the old Welsh legal system is, comparatively speaking, of a recent period.

The laws of Hywel Dda (*circa* A.D. 940) proceed on the same assumption that all laws proceed upon, namely that those for whom the laws were passed were familiar with the social structure under which they lived. Legislators, in legislating, have not in view any intention of describing, for the benefit of future generations, the exact nature of their own contemporary social institutions. Consequently, we must not look in the ancient laws for any cut and dried statement of a social polity. What the social polity was can only be reconstructed by a process of synthesis of such material as there is both in the laws and outside them.

The main source of our knowledge of any land organisation in ancient days, or in any society whose economy rests upon land, in the absence of enunciations in legal decisions or commentaries, is the body of land-revenue records which may have survived; records, that is to say, which are concerned with the dues on or duties from the occupiers of the land. It is there, and there only, that it is possible to find the intimate details from which the comity of a people in its association with the land can be reconstructed.

Legislation, codes, statutes and the like only become intelligible when we are saturated with the information that land records are capable of affording.

In addition, to ascertain the full bearing of the land-revenue records of any society, it is expedient to be acquainted with similar social organisms, dead or living, in the same state of comparative civilisation, for it is often only possible to tread in safety by the application of the comparative method.

§ 2. England is extremely fortunate in possessing Domesday Book, and such invaluable records as the manorial rolls. It is fortunate also in possessing a series of legal commentaries dating from early times, and also many references in contemporary literature to the land. These throw light on and explain legislation like the land legislation of Edward I, which, without their aid, would often remain a closed book for us to-day.

The material available for a study of the land in early Wales is of a peculiar nature. It is not as voluminous as the records of Domesday and manorial rolls; but, nevertheless, it is of a very high value, and, from one point of view, of higher value than any other survivals.

Welsh contemporary literature, strange to say, contains little reference to the land. The *Mabinogion*, for instance, are full of minute information regarding the law on many subjects of importance, but they contain no references to the land.

Writers like Gildas, Nennius, Giraldus Cambrensis and Geoffrey of Monmouth give us little, if any, information. The laws of Hywel Dda contain much; but, if they stood alone, it would be difficult to reconstruct from them the old comity. Even the Statue of Rhuddlan is strangely silent.

But in the Norman-Welsh records of land survey we possess in Wales a series of documents the like of which no other country possesses. The principal documents already published are the *Survey of Denbigh*, the *Record of Caernarvon*, the *Black Book of St. David's*, the *Extent of Merioneth*, 1285 (?), and the *First Extent of Bromfield and Yale*, 1315 (1).<sup>1</sup> There are many documents still unpublished in the Record Office, notably the Extent of the Lordship of Ruthin, and in the National Library of Wales, notably the later extents of Bromfield in Peniarth MS. 12.

These can be supplemented by such documents as the Ministers' Accounts, etc.

§ 3. In attempting to understand the Welsh land organisation, it is essential to bear in mind the geographical configuration of the land; for it is the geography of the land that caused the Welsh land organisation to differ so largely from the English one. Instead of a country like England of more or less uniform flat and fat lands, Wales is essentially a land of rugged mountains, with only occasional pockets of culturable land in valleys like

<sup>1</sup> For references see pp. 90 ff.

the Vale of Clwyd or with isolated plots, scattered about, here and there, among the mountains.

Glamorgan, between the northern hills and Severn swamps, has a belt of land similar to English land in character, and there, with the coming of the Normans, the land system was approximated to that of England.

But, speaking broadly, the Welsh country-side is far more adapted to pastoral than to agricultural pursuits. Even to-day, in the shire of Merioneth, for example, out of 422,372 acres only some 14,000 are capable (2), at any time, of cultivation for cereals, and, in olden days, the disparity was very much greater. This factor had an important bearing on the land organisation; for pastoral pursuits, especially the breeding of sheep, implies the continuance of a migratory habit, and explains, to a large extent, that peculiar characteristic of Wales which I have described elsewhere as the 'interlaced land occupation of the clans.' It also explains the permanence in ancient Wales of the clan basis of society and the preponderance of the 'free' element over the 'unfree'; for it is agriculture, not pastoral pursuits, that have always made for serfdom.

§ 4. It is not intended here to depict the working of the clan system, under which some 75 per cent. of the old Welsh population lived, in any detail; but, in order to understand the organisation of the land, a rough idea of what the clan system was is necessary.

All our early documents portray to us that society in Wales (exclusive of the small 'unfree' section to which we shall come later) consisted of a number of groups of 'free' men, variously called 'cenhedloedd,' 'gwelyau,' 'progenies,' 'wyrion' (3), who traced their descent, or professed to trace their descent, from a common ancestor, generally, if not invariably, agnatically. Such groups, and not individuals, formed the units of society (4). They were under the rule of a clan-chief, or 'pencenedl'; and they were banded together, by means of a real or assumed tie of kinship, for mutual protection, support and the like.

The land, which was in the occupation of such groups, was looked upon as occupied by the clan-group as a whole.

Ordinarily speaking, we would expect to find that the clan area of a particular clan formed a solid block of contiguous territory; but, as a matter of fact, we find that the contrary is the general, though not exclusive, rule in Wales. For example,

we find that the members of one clan, i.e. Edred ap Marchudd, in North Wales occupied a considerable area in Abergele, Llwyd-coed (near Colwyn) and Bettws-y-coed and in several other widely scattered 'villes' (5); while the intervening areas were occupied, in a similar scattered fashion, by a number of other groups. This is what is meant by the interlaced clan occupation of land.'

One of the reasons for this appears to be the necessity of having diversified pasture land for sheep and also diversified areas for hunting and fishing. Anyone living in a mountain pasture land knows how essential it is for sheep to be moved, according to season, from one type of pasture land to another of a totally different kind. Even to-day, it is common enough to find that the sheep of the Cader Range are moved, at appropriate seasons, as far afield as the sea-border lands of Arduwy and even into the Llyn peninsula.

A social unit, a clan, therefore, in Wales is found in occupation, in historic times, of areas widely separated the one from the other. The totality of such land, wherever situated, was spoken of as the clan land, the 'tir gwelyog' (6), which, from another point of view, is coincident with the term 'ancestral land.'

In the whole of this scattered clan area each member of the clan had equal rights, estimated, however, in historic times 'per stirpes' and not 'per capita' (7). These rights, though nowhere expressly defined, are quite easy to understand, if we divest ourselves of modern ideas of 'property.'

There was no conception of 'ownership' in the modern sense of the word. The fundamental conception was that land, of which there was plenty for everyone, was, like air and water, free for everyone to 'use'—to 'use,' not to 'own.'

But just as everybody was at liberty to appropriate certain volumes of the common water and air to his own use, so it was recognised that everybody was at liberty to appropriate some portions of the clan area to his own use, at least temporarily. As time advanced, and the habit—due to a multiplicity of causes—grew of confining migration to more restricted limits, the question arose as to how it was possible to extend the temporary appropriation of land for the sole user of a unit into a permanent appropriation. The question was solved by the common solution, which we find running through much of early law. Per-

manent appropriation, the right of exclusive user, was recognised as valid if there were clear indications of an intention to appropriate to exclusive user. In the Welsh law of land, this found expression in the rule of 'priodolder' (8), which was in full swing at the earliest stage of our historical knowledge.

The rule of 'priodolder' was simply this. If an area of land were occupied continuously by any unit for four successive generations, that was conclusive evidence that such unit intended to occupy that area permanently; and the expression of the intention in that way gave the occupiers a right to the exclusive user of the area so occupied. This right to appropriate sections of the clan area for exclusive use was always limited by the rule that no one could appropriate to such an extent as to deprive all co-sharers in the clan from being able to appropriate to themselves an area alike in size and in quality proportionate to their own fractional interests (9).

Exclusive appropriation was in fact simply an effective assertion of the mode in which a man or group proposed to exercise the right he had.

It was not a right of 'ownership,' but simply a right to exclusive user, which could be lost in much the same way as it could be acquired. To the mode of loss of such rights we shall return in a short while.

This rule of priodolder applied not only to the demarcation of areas of what we may call 'spheres of influence' as between clan and clan, but also to areas and plots permanently occupied by units within the clan as against other units therein.

§ 5. Here it becomes necessary to explain that a clan was always liable to disruption into sub-clans, which tended to grow in time into separate clans. For this there were many reasons, but it is sufficient to mention one. The tie binding a clan together was, as already stated, the sense of kinship. Now the sense of kinship, involving duties between kinsmen, is always liable to become weakened (*a*) whenever the number sharing the tie grows to a large, and, therefore, unwieldy, number, and (*b*) as the common ancestor becomes more and more remote as each generation passes away. In such cases, there is an invariable tendency for smaller groups within the major to grow up; and, the sense of kinship being strong, such smaller groups are formed with their bond of union in a less remote common ancestor than the one who has hitherto been the common ancestor of all.

That is exactly what the historical evidence shows happened in Wales. Groups within the larger group were formed, and these groups, in course of time, earmarked, for their own exclusive occupation, parts of the general clan-area by means of the operation of 'priodolder,' such land becoming 'tir gwelyog' *quâ* the smaller group as well as 'tir gwelyog' *quâ* the whole clan (10).

The process went further. If the geographical characteristics of Wales are borne in mind, it is clear that there are few areas where it is possible for a group of, say, 200 people to find land for cultivation, even as a subsidiary occupation; and it will be found, on examination of our land-records that where, in a ville, there was a good block of culturable land, that ville was, as a rule, a serf ville (11).

What happened? Smaller groups still, even individuals, discovered scattered plots in the general clan-area, which could be cultivated by them. They broke up the soil, continued to cultivate it for four generations, and thereby acquired a permanent right to exclusive occupation (12). Such land became again 'tir gwelyog' of the section of the clan which occupied it.

Throughout, however, the ultimate right in the land belonged to the clan as a whole, except where, by partition, the clan interest had been extinguished, in which case the ultimate right passed to the King, as representative of the community; and reversion of any area, whether on abandonment or on the extinction of a group which had acquired exclusive occupation rights therein, was to the clan body as a whole, subject always to the right of anyone within four degrees of relationship to the last occupier to claim the right of occupancy (13).

§ 6. Here we may consider the rule as to loss of rights, once acquired, by abandonment. The rule was that if a group left land, over which occupation rights had been acquired, those rights were not extinguished at once. The land vacated became available immediately for anyone of the clan-group to occupy, and if the new occupiers continued to occupy for four generations without interruption, they, in their turn, acquired priodolder rights therein. But the rights of the prior occupants, though not exercised, continued to survive, until there was evidence that their intention to abandon was a permanent intention; and the law said that that was established by a continued abandonment for four generations, or if absent from the 'patria,' for nine generations, and not until then. In the meantime, it

was perfectly possible for anyone of the abandoning group to return and claim the right to readmittance against anyone who had taken possession (14). As has been pointed out in the writer's book on 'Welsh Tribal Law and Custom' (15), it became possible, under this law, for two groups or individuals, one in possession and one out, to have exclusive rights of occupation over the same plot of ground; and how this apparent dilemma was solved is explained in that work. The solution indicates that remarkable capacity for equity which the old Welsh Law possessed.

§ 7. What has been written above gives a general idea of the legal conception of rights in 'tir gwelyog.' They were rights, not of ownership, but of 'occupation and use,' which could ripen, through prescription, into rights of exclusive occupation and use.

But, even in the laws of Hywel Dda, we find a few traces of the idea coming into existence that the 'brenhin' was the 'owner' of the land (16). Later on, with the development of feudal ideas, this conception hardened, and gave rise, in the revenue records, to what we find no trace of in the Codes, as apart from the Anomalous Laws, the idea of escheat to the King as the 'fount of origin.' To the position of the King, however, in connection with the land we shall return later.

§ 8. We have seen, so far, the general outline of the land organism of the free, that is to say the theory of the rights of members of a clan in clan-areas.

But who formed the clan? This question need not be answered here, except in relation to rights of occupation. It is perfectly clear that, in the strict eyes of the law, no son had any rights save what he could claim through the channel of his father. Whatever rights he had were inchoate during his father's life, and for their materialisation he had to wait until the death of his father (17). A son, in the lifetime of his father, could claim no right to separate occupation of clan-lands; but, in practice, in the later Surveys, we find occasional, though rare, instances of a son being shown as a member of a gwely along with his father. This may indicate that a married son did occasionally occupy otherwise unoccupied lands, but it was exceptional and opposed to strict legal theory.

The clansmen's right in 'tir gwelyog' vested—in so far as we may use the word 'vested' at all—in the oldest generation alive. But such person was in no sense 'absolute owner,' capable

of disposing at will of the interests of himself and those who were to come after. The generation possessing rights of occupation exercised those rights only for life. They were, in fact, trustees for their successors, and their power of alienation was limited (18).

Permanent alienation by a person holding rights in land was permissible only in the case of 'legal necessity,' or with consent of all relatives within four generations. The Venedotian Code limits 'legal necessity' to the case where the full amount of 'galanas,' 'wergild,' could not be raised other than by sale of 'tir gwelyog,' and expressly asserts that it was allowed in that case only because a benefit, viz., the avoidance of a blood-fued, was being bought for all (19). Later on, however, the sphere of 'legal necessity' seems to have been slightly widened (20). Temporary alienation, in the way of mortgage, was almost as restricted, and definite periods were placed on the duration of leases (21).

When a holder of 'tir gwelyog' died all his sons 'ascended' to his 'persona' and his rights, including rights in land, in equal shares (22). There were in later times some limitations on the right of an illegitimate son; but to discuss the status of an illegitimate son would only confuse matters, and involve a consideration of what, in fact, illegitimacy consisted in.

It has been commonly asserted by Seeböhm (23), and his followers that when a whole generation in a group died out, then the whole land of that group was brought into hotchpot and divided equally among all the members of the next generation. For that proposition I can find no warrant, either in the Laws or the land-surveys of the fourteenth century. The evidence to the contrary is overwhelming and without exception.

We are entirely without evidence of any extensive partition of clan-areas by metes and bounds; the whole evidence shows that the so-called 'partition' of clan areas was expressed simply in fractional shares (possibly for the convenience of revenue collection as much as anything else) and those fractional shares are invariably calculated 'per stirpes' and not 'per capita' (24).

The Laws do contain certain rules as regards partition proper, but those rules appear to be confined to what is called 'tref tadawg,' that is to say, only to such portions of the clan-area as an individual died in exclusive occupation of, and not his general rights in other portions of the clan-area. The rules

also are optional. Even here, though, the land, if divided at all, was divided equally among sons, grandsons and great-grandsons had no right to participate equally. They succeeded to their own fathers 'per capita'; but the right was reserved to them, up to the fourth generation, of objecting that the partition among the sons of the original holder of the 'tref tadawg' had not been equitable; and in that case, if their claim were well founded, there was a redistribution by stock, designed simply to readjust a previous inequitable distribution.

Such, at least, is how I read the provisions of the law, which seem to me unintelligible on any other hypothesis (25).

It is true that there are instances of tribal communities in which a custom prevails of periodical division of land according to the number of 'mouths' in the tribe; but such instances as I have had an opportunity of observing portray a very different structure to what prevailed in Wales in historic times. Such societies frequently give, logically enough, a share to females; they are strictly endogamous as a rule; and cultivate, in the main, on the strip system (26). These were not characteristics of the historic Welsh clan, and they afford little help for the interpretation of the rules found in the Welsh laws. In the west the periodical division of land, according to 'mouths' is, I think, rare; and must not be confused with the system of division such as existed among serf communities like, e.g. the trefgefery aillts of Wales.

The Welsh survivals give no proof of such a custom among the free.

§ 9. From the outlines of succession and partition we may turn, for a moment, to the recognised land-suits in Welsh law, for they throw light upon the land organism.

The most important was the suit of 'priodolder,' of which there were two kinds, 'ach ac edryf,' and 'priodolder' proper.

In the first-mentioned, a person, refused participation in the enjoyment of 'tir gwelyog,' sued persons related to himself on the ground of descent from a common ancestor; in the second, a person, claiming priodolder rights over land, but out of possession, sued others, not related to him, in possession.

Both of these suits were applicable where the plaintiff or his ancestors had abandoned rights of occupation for the time being (27).

In the suit of 'ymwrthyn' the plaintiff sued to eject an alleged trespasser on a portion of his holding (28).

In the remarkable case of 'dadanhudd' (of which there were three varieties) the plaintiff, out of possession, sued for recovery of possession on the sole ground that his father had been in possession at the time of his death. No question of title was ordinarily entered into. The sole issue was whether the father had or had not been in possession at the time of his death. If so, the plaintiff was granted specific relief, by way of possession to enable him 'to uncover his father's hearth,' and the question of title of the dead father was left for decision in a later instituted suit (29).

The procedure in the suit of 'rhan' or partition corroborates in detail what has been said above; and it appears to have been limited to areas of 'tref tadawg,' and was inapplicable to clan-areas (30).

The suit of 'mamwys' illustrates the agnatic ascension to land (31).

There are different opinions as to the philological origin of the word 'mamwys'; but the most elementary knowledge of early law appears to prevent the acceptance of the theory that it is connected with 'adoption.' Adoption, in its proper sense, was entirely unknown, in historic times, among the Teutonic and Celtic tribes. On the other hand the 'right through maternity' is a well-known feature of early law. In Welsh Law, it was confined to the case where a woman was given in marriage by her kin to a person who was not a 'clansman,' and had, therefore, no 'tir gwelyog' to which her issue could ascend. In such cases the issue was entitled to claim, by virtue of his maternity, a share in the 'tir gwelyog' of his mother's kinsmen, who had failed in their duty towards her. The remarkable feature, however, is that, in such cases, he participated, not as a son of his mother, but as a son of his maternal grandfather. The mother simply acted as a 'conduit' to pass on a share in the inheritance; and this feature of the 'female conduit' exists in many Aryan societies. The rule emphasises very strongly the agnatic ascension to land (32).

The last suit was that for the 'demarcation of boundaries,' interesting mainly as a survival of pre-curial procedure; and as illustrative of the interlaced characteristic of holding (33).

§ 10. Hitherto we have touched upon 'tir gwelyog,' 'ances-

tral land.' But over and above 'tir gwelyog,' there was, in historic Wales, another type of land, called 'tir cynyf' or 'tir prid,' as it is sometimes called. Such land comprised all land acquired by purchase or by any means other than ancestral right. It is barely mentioned in the ancient laws; and the instances of it in the Surveys are extremely scanty (34). It is obviously an institution of comparatively recent growth, and the very scantiness of references to it corroborates the practical universal application of the 'tir gwelyog' organisation. Such land could arise only as the tribal organisation was breaking down, and as individual rights of 'ownership' began to come into existence. It could do so in three ways, (a) by the grant of lands by the Crown, where land had been forfeited or escheated to the King, (b) by the purchase of bondlands by a free man or free group (of which we have a few instances in the *Record of Caernarfon*) (35), and (c) by the partial growth of the conception that continued occupation of plots of 'tir gwelyog' gave rise not merely to the right of exclusive enjoyment, but to the right of alienation.

But even in regard to 'tir cynyf' the conception of the ancestral nature of rights in land remained triumphant.

It appears that the actual acquirer could dispose of acquired land himself; but, upon his death, such land became 'tir gwelyog,' ancestral land, *quâ* his descendants, and, subject, in their hands, to the same rules and restrictions as other 'tir gwelyog.' 'Tir cynyf,' therefore, was always falling back into the rank of 'tir gwelyog.' We find exactly the same feature in other ancient laws.

Again, where land, before the Edwardian conquest, escheated to the Crown, the Crown did not become 'owner' of it, entitled to dispose of it at will. There could never be escheat 'per defectum heredum,' so long as there was a collateral of the last holder in the fourth degree, and, of course, there could be no escheat where there had been no partition of clan-areas. But, wherever there was escheat, then the King was bound by custom to offer it to the nearest collateral of the last holder, however distant such collateral might be (36).

It seems clear that, in indigenous law, escheat applied only to lands which, for one cause or another, had been separated off from the clan-area; and even there the ultimate reversionary interests of the clan were reserved to it through the right of pre-emption.

§ 11. The organisation of the bond-lands of early Wales presents a number of variations. There is one feature, however, common to them all (and it is this which differentiates bond lands from free lands) that the holders thereof were invariably 'adscripti glebae.'

The two main divisions of bond lands are what are referred to in the *Record of Caernarfon* as the lands of 'treweloghe' (tir gwelyog) and trefgefery (tir cyfrif) aillts. It is a peculiarity that strikes us at once that one division of the bond lands is known by the same name as that applied to the bulk of free lands, that is 'tir gwelyog,' ancestral land.

The reason is that a considerable section of the unfree were organised socially in much the same way as the free men, that is to say that they were associated together in groups of inter-related persons. But an examination of the records, showing 'gwelyau' of unfree persons in historic times, shows that the numbers of individuals in unfree 'gwelyau' were never considerable (the ordinary figure is from two to six male adults) (37), and further that, with one or two possible exceptions, the unfree 'gwelyau' did not hold land in more than one ville. What is the reason of this? I think it is to be found partly in the fact that the primary occupation of the unfree was agriculture and not pasture, and the *raison d'être* for the right to move at will was absent in their case.

To account for the prevalence of the 'tir gwelyog' aillt population of Wales (and it is almost peculiar to Wales) is a matter which has to be approached from the historic and economic side rather than from the legal; and I doubt if we have yet sufficient data wherefrom to reconstruct the story. One of the most promising lines of investigation is that of the geographical distribution of the 'tir gwelyog' population, especially in connexion with the like distribution of the 'tir cyfrif' settlements. In so far as I have hitherto been able to pursue enquiry on these lines, there appears to be evidence (a) that the 'tir gwelyog' aillts are found all over Wales, whereas the 'tir cyfrif' are found far more in the west than in the east of the land (38), (b) that, excluding the maerdrefs, the tir cyfrif settlements were on lands of comparatively poor quality, and (c) that, in later times, there was some tendency to assimilate the 'tir cyfrif' settlements with the 'tir gwelyog' ones (39).

It is only a suggestion, but such facts tend to the conclusion

that the 'tir cyfrif' settlements indicate an earlier stratum of society, perhaps survivals of prehistoric settlers, perhaps survivals of Goidelic settlers. The comparison of names of holders or of vills, the linguistic test generally, has thrown practically no light upon the subject, but possibly those far better equipped than I am for this line of enquiry may find some results. The only result hitherto noticed is that nearly every ville with the word 'Dol' in it was an unfree ville (40).

That, however, is a digression.

§ 12. The principal point to note is that, in their social organism, the 'tir gwelyog' aillts approximated to the ordinary free men, with the important limitation that they did not expand into large groups, and were subject to a continuous dissolution into small entities. They formed, as did the free, corporations of joint holders, and, in the matter of inheritance, their rules were similar to those of the bulk of the population.

The holders of 'tir cyfrif' were organised on totally different lines. The whole land of a 'tir cyfrif' settlement was regarded as the possession of the King or lord of the territory, and its management was under the administrative orders of an official, known as the 'land-maer.' He determined what lands were to be cultivated and what crops were to be sown.

Every male adult, save possibly the youngest son of another, was liable to cultivate. Cultivation was in common, and when the land had been ploughed and sown, the area under cultivation was divided periodically into equal strips or blocks, and each male adult was allotted a block or strip for his maintenance, he apparently gathering in the harvest thereon, and applying it to his own use. There is no evidence that the crops were garnered in common and then divided. Each cultivator had allotted to him a homestead or 'tyddyn' with a small courtyard and, in certain parts, a croft attached. On the death of a cultivator, this homestead and appendage went to his youngest son. Saving the homesteads, which, however, were theoretically subject to the same rule, all the land in the ville was common; so that if a cultivator died without male issue, the only result was that there was one less to participate in the periodical divisions (41). The compensatory advantage to the inhabitants of a 'tir cyfrif' settlement was that every one had an absolute right to a proportionate share of the cultivated area, and he could

enforce his claim in the court of the 'tref' by means of a claim of 'hawl cyhyd' (42).

The essential difference, therefore, between 'tir gwelyog' and 'tir cyfrif' holders was that, whereas both were organised as corporate communities, the first mentioned were bound together by a constantly changing kin-nexus, the latter by a permanent community of liability (43).

§ 13. Very similar in organisation to the 'tir cyfrif' viles were the maerdrefs. For the purpose of administration, Wales was divided into a series of 'cymydau,' and each 'cymwd' had a 'caput' where renders from the whole cymwd were paid. Occasionally we find cymydau with two, or even more, capita. Generally speaking, the lord of the 'cymwd' had a 'neuadd' or hall at the 'caput,' and invariably he had land (meadow land, garden land and culturable land) at the caput. The 'caput' of a cymwd was coincident with the Welsh 'maerdref' (44); and it will be found, as a rule, that the maerdrefs occupy a fairly central situation in the cymwds, and moreover are situated where there are pockets of comparatively good land, suitable for cultivation.

The 'maerdref' area consisted of two portions, the 'terra dominicalis,' the exclusive possession of the lord, and the area allotted to the maerdref inhabitants. The latter area appears to have been administered on the same lines as the land in 'tir cyfrif' viles, and it is often very difficult to differentiate between them. The principal line of demarcation lay, however, in the fact that the 'maerdref' tenants, as part of their renders and services, cultivated, along with hired labourers, the 'terra dominicalis' for the benefit of the 'arglwydd' (45).

The tenants of the maerdref seem, in many cases, to have been of foreign origin, captives of war, purchased slaves; and they were, perhaps, recruited also from those, who, on account of debt or crime, had suffered a 'diminutio capitis' (46).

§ 14. Similar to the maerdref organisation was the 'tir bwrdd.' These were scattered plots of no considerable dimensions, found in various parts of Wales. They belonged exclusively to the lord, and were cultivated sometimes by hired labour, and sometimes by tenants at will (47).

The origin of the 'tir bwrdd' is somewhat obscure; the material available for a definite conclusion on the subject is insufficient; but it seems probable that they were plots which

had fallen in to the lord, through escheat or forfeiture, and left undisposed of by him, possibly because of their convenience for furnishing supplies for himself or his officers on tour.

The *Record of Caernarfon* mentions also holdings like 'gwyrgwaith,' 'gwyrmal,' 'gardenmen,' and so on. These appear to occur invariably in maerdrefs. No intimation is given anywhere as to their internal comity; and it seems probable that some of them were specialised forms of the ordinary serf community, whose functions were to perform certain technical services (48).

§ 15. The account so far given has been concerned solely with the organism of the various communities on the land.

We have seen that in the case of 'tir cyfrif' cultivation was conducted under the orders of an official. That did not apply to 'tir gwelyog.' On 'tir gwelyog' the evidence shows that households occupied pockets of culturable land in the general area of a clan or ville. The geography of the countryside being such as to prevent anything like the open field system on a large scale, we find these occupied pockets at considerable distances from each other, a feature reproduced to-day in Wales by the scattered farm-holdings (49). To cultivate these pockets, four or eight oxen were needed, a number far in excess of what could be economically maintained on the pocket. Further, plough oxen are of very little use save for draught purposes outside the ploughing season. Consequently we find that the maintenance of a full plough yoke was outside the capacity of the ordinary cultivator, whether free or bond.

The result of this was that ploughing was conducted by the pooling of oxen and ploughs to cultivate the plots of each participant in the pool. The importance of this economic arrangement was so great that the law regarded it as a customary contract, and gave minute rules for the carrying out of the contract entered into. These are the well-known rules in the Welsh laws of 'co-tillage' (50).

§ 16. In historic times we find both free and bond alike subject to a 'superior.' In the case of the free, they were all subject to the 'brenhin' or local 'arglwydd,' who, in some instances, was represented by an ecclesiastical foundation. In the case of the unfree we find them also similarly subject; but, in addition, we have many instances of unfree communities being subject either to an independent free man or free 'gwely.' There is

even mention in the Laws of 'aillts' being subject to other 'aillts' (51).

To the 'superior,' whether King, lord, ecclesiastical foundation, or free gwely, the subject owed certain duties—renders or services.

The original *raison d'être* of these services was not to furnish the superior with 'rent'; but to furnish him with the wherewithal to carry on administration. The renders were not 'rent,' but 'revenue.'

The superior was in Welsh Law in no sense absolute owner of the land, with the exception of a few scattered plots; he was an administrator paid for the performance of and expense of his functions out of land-revenue. This appears to be brought out in many of the grants to ecclesiastical foundations. What is granted, almost invariably, is not the 'ownership' of the land; but the right to receive the 'renders' due from the land, occasionally in late charters (here probably under the influence of new ideas) along with certain exclusive privileges of the King, such as the right to dig for minerals (52).

§ 17. The right of the superior to revenue is invariably based on 'custom,' that is to say, the recorded rights are fixed and are not liable to enhancement. One of the grievances in Wales against the last Llywelyn was that, faced with the increased expense involved in the defence of the country, he was compelled to demand a larger revenue than what custom laid down. We see the same characteristic of fixity of revenue demand in the various Norman-French surveys and in the Great Petition to Edward III (A.D. 1360) (53).

Unfortunately, we have practically no material, save that which concerns the Levitish clan of Cynan ap Llywarch in Denbigh, to determine the relationship between the unfree holders subject to a free gwely and their immediate 'superior'; but there is no reason to doubt that their position did not very materially differ from that of holders of land directly subject to the King.

§ 18. The ancient laws have much to say about the services and renders due to the King, whether from the free or the unfree, but the characteristic of the laws is that they appear to standardise the services due (54). That is to say, at first sight, they appear to declare rules of universal applicability.

When we examine the Surveys, etc., we find, however, exactly

as we find in the English manorial rolls, an infinite variety of liabilities, varying not only from tref to tref, but also as regards different holdings in the same 'tref.' The entries in the Laws are not so much rules of universal applicability, as a recapitulation of the general sources of the King's revenue. The variations in actual practice show also, very clearly, that the object of the revenue was not to secure an income, but to arrange for effectual administration (55).

The examination of the actual renders payable or services due discloses the fact that certain renders and services were due from the free only, others from the unfree only; but there was a very large number of such renders and services which were due from both free and unfree.

§ 19. The first service to notice is that of military service. Military service, with the growth of feudalism, became in England the condition of 'tenure' of land from the King or lord. That was not the case in early Wales. It was a duty and a privilege, attached not to land, but to 'status.'

The early Laws confine the duty, the privilege, to the free (56); allocating to the unfree the liability to perform transport and cognate duties when called upon, but it is worthy of note that the unfree were always paid for their work.

The duty of military service was twofold—that of defence of the 'patria' or 'gwlad' (i.e. the lordship) in which those liable dwelt, whenever threatened; that of offence, outside the 'patria,' for forty days in the year only.

With the extension of Norman domination in Wales, we see in the south, but not in the north, the creation of a few knights'-fees, making military service a condition of land-tenure (57). This is not so in the Northern Surveys. There the privilege of service retained its characteristic of being a privilege to some extent. This is very marked in the case of the 'Wyrion Eden,' a *corps d'élite*, apparently originating in the days of Llywelyn Fawr (58). But what is still more marked is that though we know that military service was due from all free men in Wales, and is so assumed in the Surveys, it is only expressly recorded as due from very few individual occupiers of land (59). In most of such cases there is a special reason for the record, viz., that the holders of the land were exempt, in part or in whole, from the ordinary revenue charges, or were liable to service outside the 'patria' in which they dwelt. It seems from the general

nature of the references to military service that it was recognised under the Norman-Angevins for what it had been in Welsh Law, not a feudal land due, but a personal one.

A peculiar extension of the liability is found in certain of the Surveys ; for in some instances we find that the unfree have also become liable. There are indications that this change had begun under the Welsh princes, probably in view of the desperate defence of the land against the Normans ; and it was extended under the Angevin kings to procure more and more men for the foreign wars in Scotland and France (60).

§ 20. Next in interest to military service are the rules in regard to the 'cylchau.' Just as in British India to-day, so, in ancient Wales, the administration of the land was conducted, to a large extent, by means of personal official tours. But the term 'cylch' covers a little more than that, for there were cylchau of huntsmen, otter-hounds, etc., that is to say the term also included the billeting of the Prince's retinues.

There are two distinctions between the cylchau recorded in the Laws, and the 'pastus' recorded in the Surveys. The number of the former is slightly less, and whereas the Laws show that the cylchau were regularly conducted (61), the Surveys show that, by the fourteenth century, they had been commuted in all instances to cash payments (62).

Liability for the 'cylch' of the King (*pastus principis*) was limited to the free only ; liability for the cylch of the Queen, the maer and canghellor (*pastus ragloti*), huntsmen (*pastus lucrarii*), grooms (*pastus stalionis* and its local variety of *pastus dextrarii*), the macwyaid (*pastus pennackew et wasion bagehyn*), and the falconers (*cylch hebbogothion*) appear in the Laws as confined to the unfree, but in the Surveys there are a few instances of the cylch of the grooms, macwyaid and falconers being levied on the free as well.

The cylch of the *penteulu* (commander of the household troops) was in the Laws imposed on both free and unfree ; but the Surveys confine it, under the title '*pastus famulie principis*' to the unfree.

The Surveys add the *pastus* of the foresters, the cylch *greorion* (king's herds) and cylch *dourgon* (otter-hounds), which are unknown to the laws, the first being confined to the unfree, the last two being extended to both classes.

These 'cylchau' were by no means all imposed on every-

body. Some were imposed only on a few viles here and there ; and many viles were liable only to one or two and none to all. The geographical distribution of the varying liability for the 'cylchau' furnishes material of value for determining points of importance in the economic development of the land. For example, the viles where there was a liability for the King's herds and horses probably indicate the prevalence of plentiful grazing grounds, and an interesting chapter in the study of mediæval Wales is opened up if these areas are collated with the 'ffrithoedd' and 'hafodydd' of the Surveys (63).

§ 21. The most important render, according to the Laws, is the 'tunc' or 'gwestfa' ; and a detailed consideration of this render is more than sufficient for a monograph in itself.

The 'gwestfa' consisted of a periodical supply by the free only of certain provisions for the Prince's court. The details of the provisions are given in the Codes ; but it is clear from them that, even in the time of Hywel Dda, the stated supplies had very largely been commuted into a cash payment, known as the tunc-pound (64).

In the *Survey of Denbigh*, the tunc-pound appears as payable practically throughout the Honour (65), but the other Surveys mention it only occasionally (66). The reason for this appears to be that in them renders in kind (generally commuted) are differently assessed, and the tunc-pound or its fractions are included in the 'summa' of renders in kind given.

Corresponding in part to the 'gwestfa' were the 'dawnbwyd' payable by the unfree. These renders are detailed, somewhat confusedly, in the Laws (67) ; but they do not appear, *ipso nomine*, in the Surveys. Kind-renders from the unfree are shown there in measures of corn, butter, etc., cash, and even occasionally, but incorrectly, as 'tunc' (68).

The primary object of the 'gwestfa' and 'dawnbwyd' was to furnish the Prince and his court with regular supplies ; and the very early tendency to commute illustrates how the Prince relied more and more on the produce of his 'maerdrefs' and plots of 'tir bwrdd.'

The details given both in the Codes and in the Surveys are of very great economic importance showing the class of crops, etc., grown in different localities. The details of the distribution over 'assessment circles,' to which reference is made later, is also of importance for a study of the social organism at work.

§ 22. An important factor in the social organism was the liability to build and to repair certain buildings for the accommodation of the Prince. The buildings were nine in number, situated at the 'caput' of the cymwd; and in all cases the liability was confined to the unfree (69). In the Surveys a few instances occur of the extension of the liability to free men; and, under the Norman-Angevins, the duty to erect the ordinary wooden buildings of a 'llys' was converted into a liability to work at the erection and maintenance of stone-castles. In some cases, but by no means in all, this liability was commuted into cash payments (70).

The Laws are silent as to any liability to repair mills; this, in itself, is strong evidence of the early age of the Laws; but, by the time of the Surveys, such liability had become general, in so far as the unfree were concerned. Coincident with the growth of this new impost was the compulsion of practically all unfree men, and most free men, who did not possess a mill of their own, to grind their corn at the lord's mill, paying a fixed percentage of the corn ground as toll (71).

§ 23. It has already been mentioned that the 'maerdref' tenants were obliged to cultivate, as part of their duties, that portion of the maerdref area which was 'terra dominicalis.'

In the Laws, there is no mention of any labour duty save in regard to the maerdref tenants (72); but, by the fourteenth century, such duty had become general among the unfree in the eastern part of Wales, and is found occasionally in the west. In many cases this liability had been commuted (73). Similarly the liability to portage of goods, stone, etc., unknown in the Laws, except as incidental to campaigning, had become widespread among the unfree, but in many cases the labour was paid for at a fixed daily rate, rather below the ordinary market rate for labour (74).

§ 24. These were the principal renders and services in mediæval Wales; but there were a number of incidental dues levied on special units, like 'cymmorth,' capon-rents, prisage of ale, fencing dues, nut-gathering, and, in later days, forest dues. Of these, save a limited reference to 'cymmorth' the older Laws contain no mention; and it is probable that they grew up long after Hywel Dda's time. They are, in many instances, quite indistinguishable from 'rents'; and, in fact, they help to illustrate that gradual conversion of the idea of the duty to maintain

the administration by means of payment of revenue into the idea of tenure involving the payment of rent, which was the feature of the development of land-occupation in Wales between the tenth and fourteenth centuries.

An illuminating illustration of this process is to be found also in the law of pannage. In ancient Wales mast in the woods was free to swine; but damage caused to property by swine had to be compensated for. As the Crown and the local lords assumed 'ownership' of the waste lands, including forests, the liability to pay for damage was converted into the payment of fixed fees for the privilege of pannage in the woods (75).

§ 25. This silent process—the growth of the conception of tenure—which was going on the whole time, had its repercussion upon the clan-organisation, and helped to bring about its gradual decay. We can see, to some extent, in the changes in the units liable to assessment, how this process affected the actual occupiers of the land.

With the growth of 'tenure' we find the shifting of the assessment unit from the clan to the land; and that inevitably meant that the occupier of separated plots of 'tir gwelyog,' inasmuch as he became liable for the renders, began to regard himself as 'owner,' rather than as permissive occupier.

The clan-unit being the social unit in ancient Wales, we would expect to find it as the assessment unit also. In all probability it was so in the earliest times; but the disintegration of the clan-unit as the assessment unit had, under the influence of this conception of tenure, proceeded a long way by the time the laws were redacted, and the process was carried still further by the fourteenth century, so that, in the Surveys, we can only get fragmentary pieces of evidence pointing to the original identification of the assessment unit with the clan unit. Some illustrations of this change—a very difficult problem to unravel from the available material—may be of interest.

§ 26. If we turn to the 'gwestfa,' we find that, in the Laws, the principle is laid down definitely that the assessment-unit for 'gwestfa' or tunc-pound is already a territorial and not a clan one (76). It is assessed primarily on a 'maenol,' and distributed equally over every 'erw' or 'acre' in the maenol. The mathematical precision of the rule laid down in the laws, which assumes the equality of area in all maenols and also the equality in productiveness of all 'erws,' is, of course, fanciful;

but the broad principle that the tunc was leviabie territorially is quite evident. But there is another side to this rule; and that is that it is equally evident that the liability for the tunc, which as a whole was levied on the maenol, was a joint liability of all resident in the 'maenol,' and, inasmuch as the Laws also assume a homogeneity of the population, this is equivalent to the joint liability of a clan or clan-unit occupying a territorial unit (77).

The mathematical subdivision of tunc over every 'area' is a rule of internal responsibility only, and not a rule doing away with the collective responsibility of the whole 'communitas' occupying the gwestfa area. It seems clear that if there were default in the case of a single erw, that default had to be made good by the maenol as a whole. Nothing whatsoever is said or implied indicating that there was any lessening of the collective responsibility of the whole unit for the whole sum to the Crown. That that was so is also indicated by the fact that, in many parts of South Wales, the term 'gwestfa' continued, right into the fourteenth century at least, to indicate an area which, as a whole, had been liable for the tunc-pound or its equivalent in supplies (78).

In the *Survey of Denbigh*, which alone of the Surveys contains details of the tunc-levy, there are some interesting facts which point to a continuance of the old clan liability in part. The most noteworthy is that of the clan Rand Vaghan ap Asser, a clan which held land in some eight viles, most of them, but not all, exclusively. They paid a tunc-unit of £1 as a clan. In the clan, it was subdivided among the component sub-divisions equally per stirpes, and there is no indication that it was distributed over territorial units (79).

The ville of Barrog, which was held in fractional shares by six 'gwelyau,' possibly at one time members of a composite clan, was assessed to a tunc-pound. The total was divided among the six 'gwelyau' in sums of 3s. 4d. each, and though the economy of the ville shows that there were several separated holdings, the distribution of the tunc-pound was not made on the land, but on the gwely (80).

It is a common feature in the *Survey of Denbigh* to find that, though the assessment as a total is on a territorial ville or viles, the actual distribution of its details is not upon acreage or any other land-measure, but upon the 'gwelyau' occupying the

ville, in proportion to their fractional hereditary share in the total area. Instances of this character are the villes of Prees, Abergele, Ereithlyn and Llwydcoed (81). These seem to furnish proof that, at one time, the assessment had been on 'gwelyau' or clans, rather than upon acreage, as the laws would, at first sight, appear to indicate was the legal rule.

The distribution over 'gwelyau,' however, is far from being universal in the Survey. The assessment upon area is common enough. Throughout cymwd Caimeirch, wherever the tunc-levy was still paid, the assessment was on holdings or acreage (82). In part of Prees the levy was clearly on acreage, so too in part of the Carwedfynydd group of villes, in Melai, Wigfair, Mochdre and many other villes (83).

The 'gwely' was the basis for assessment, as a rule, where the kin-bond was strong; acreage or holding where it was weak or non-existent.

A further interesting fact emerges from the Survey, and that is that, in some villes, the joint responsibility of the whole ville for the whole tunc assessed on it, is preserved. That communal responsibility is apparent in Gwaenynog, Beidiog and Twlgarth; but it may be said that generally communal responsibility for the whole tunc was ceasing to operate by the fourteenth century (84). This is clear from the fact that whenever a share was forfeited to the Crown there was a corresponding reduction made in the tunc-levy on the ville in which the share had been held. That could never have happened if there had been a full survival of communal responsibility.

In Carnarvon, Anglesea and the other surveyed areas the disintegration of communal responsibility had gone even further. It is almost impossible to discover, outside of Denbigh, any tunc-levy unit. The tunc had been so subdivided among the plots separately held as to lose its character entirely as a joint liability; and had become merged into what was practically a rental payable by the occupants of several plots.

We are led irresistibly to the conclusion that, even if we could assume that, at some stage or other, there had been a general uniformity in assessing the tunc on a clan basis, that uniformity had gone by the board early. It is impossible, however, to reduce the incidence of tunc in practice to the formal system of the Codes, for, 400 years after, we have survivals of an older mode of assessment than that indicated in the Codes themselves.

As regards the 'dawnbwyd' the Codes indicate that there was a communal responsibility of the tref-unit (85). In Dinorbyn Fawr in Denbigh this communal responsibility was retained unimpaired until the ville was leased to the 'communitas' on a fixed rental. Much the same was the case with Cilcennus (86).

But, elsewhere, the communal responsibility for 'dawnbwyd' had largely disappeared by the fourteenth century. The word 'dawnbwyd' does not occur in the Surveys. It has been in some villes confused with tunc; and where it is designated by that name it is the common rule that the assessment is on individual holdings (*vide* e.g. cymwd Caimeirch, Lleweni, Beryn, Pencledan and Gwerneigron) though exceptions are to be found in the treweloghe villes of Eriviat, Galltfaenan and Bodiscawn, where the assessment was on the 'gwelyau.'

Generally, however, the dawnbwyd had been replaced by specific renders in kind (commuted into cash); and the liability therefore was, in practically every instance, placed on the holders of separate plots.

§ 27. In regard to 'cylch,' such indications as we have in the Laws point to the conclusion that the liability was a communal one, either on the clan or the ville as a whole (87).

In the *Survey of Denbigh* we find numerous instances of villes being assessed as a whole to *pastus principis*. As was the case for tunc, there was a monetary basic unit for this *pastus*, the mark of 13s. 4d. or 160 legal pence equal to the curt pound. The mark was divided into two portions of 67 legal pence = 100 curt pence, and 93 legal pence = 50 plus 90 curt pence; and the *pastus principis* in part of Denbigh was levied on assessment units in multiples or combinations of these two figures. In other parts, the monetary basic unit was 10s. 6d., likewise levied (88).

Wherever this monetary basis exists, it will be found that there was originally a communal responsibility to pay the whole sum; but as the clans disintegrated into sub-clans, the assessment was apportioned upon the sub-clans in shares corresponding with their hereditary fractional interests in the 'tir gwelyog.' There are, of course, exceptions to the rule, showing that, in certain areas, the dissolution of the old assessment units had been carried so far as to lead to assessment being on holdings, and, in some few cases, on acreage.

Strange to say the *pastus principis* has entirely disappeared

in the *Record of Caernarfon*, and the levy has there, like tunc, been apparently merged in the 'summa' of rentals.

The *pastus famuliae* we find in *Caernarfon* assessed on the whole community of the unfree in the *cymwd*, joint responsibility for the total being retained. Such too was the case in *Mochdre*, *Rhiw*, *Colwyn*, *Wigfair* and *Gwerneigrön*, but in other *villes* in *Denbigh* it was assessed on holdings or individuals.

The '*cylch ragloti*' shows similar features; in some *villes* there was a joint liability, in others the liability was individual or based on acreage. Such also is the case with the *pastus lucrarii*, *pastus dextrarii*, *cylch hebbogothion*, *cylch greorion* and *cylch dourgon*. The *pastus stalionis* was assessed on unfree individuals only, and never on acreage. The *pastus serjeantis*, which was a Norman introduction, was assessed entirely on individuals; and this fact corroborates the view that communal liability was the original feature of assessments which gave way to acreage or individual assessment under the stress of new ideas (89).

§ 28. The liability to build and repair was in the *Laws communal* (90). In the *Survey of Denbigh*, where the duty had been commuted, it was converted in *Isaled* and *Caimeirch* into a poll-tax; but in *Uwchaled* it was a communal charge on the whole *cymwd*. In *Caernarfon* and *Anglesea* it was also levied as a poll-tax in some places, as a communal charge elsewhere (91).

The same variation occurs in regard to repairs to mills. Porterage and harvest works were everywhere in the *Surveys* an individual liability.

§ 29. The purpose of this partial analysis of renders and services has been to show that in Wales, as elsewhere, there was, in historic times, no universal or static rule. It is a mistake to speak of the land organisation as a system, in the sense that everything everywhere conformed to a common standard.

The indications are that, in very early times, there was among the free a communal unity based on kinship, among the *treweloghe ailts* a less-marked communal unity based on the household, and among *trefgefery ailts* a communal unity based on the *ville*. But with the increase in agricultural pursuits, the growth of the conception of tenure, the absorption of waste and forest land into Crown land, and the gradual limitation of the migratory habit, the communal bond of the free weakened, giving rise to the beginnings of an individual or acreage basis of society.

Among the unfree the dissolution of the communal tie was hastened by the disappearance of the indigenous princes and their 'llysoedd' and the substitution therefor of absentee lords and an absentee king, who looked upon Wales primarily as a source of rents to be spent elsewhere.

In one sense it was well for Wales that the foreign lords were absentees. Had they remained in Wales probably there would have been a general servile organisation forced on Wales similar to the feudal one of the English manors; but the Norman Angevin lords found it easier and more remunerative to pursue a policy of commutation into cash of all the old dues and of leasing on cash rents to all new tenants.

The change was not brought about by any single act; it was wrought gradually and unevenly. Hence it is that the Welsh Laws and surveys present us with a mosaic of old ideas and new ideas, enabling us, as no other material quite enables us to do, to follow the transition of society from a tribal to an individualistic basis.

T. P. ELLIS.

## REFERENCES

NOTE (1), p. 66.—*The Survey of Denbigh*. By P. Vinogradoff and F. Morgan (British Academy, Records of Social and Economic History, 1914. London, H. Milford).

*The Record of Carnarvon*. Ed. Henry Ellis. Harleian MS. 696, Record Commission, London, 1838.

*The Black Book of St. David's*. Ed. J. Willis-Bund (Cymmrodorion Society, Record Series, No. 5. London, 1902).

*The Extent of the Commotes of Talybont, Ystumanner, Penllyn and Ardudwy*. P.R. Office Roll 789 (published in Arch. Camb. Original Documents Series).

*The First Extent of Bromfield and Yale, 1315*. Ed. T. P. Ellis. Part of Pen MS. XII. Cymmrodorion Society Record Series, No. 11. London, 1924.

NOTE (2), p. 67.—A. Morris: 'Merionethshire,' p. 165 (*Cambridge County Geographies*).

NOTE (3), p. 67.—The word 'cenedl' includes and is more extensive in its application than 'gwelyau,' 'progenies' and 'wyrion.' It is not used in the Surveys, etc. For its connotation, see *Welsh Tribal Law and Custom*, Part I, c. VII.

Instances of the term 'gwely' or 'gwelygordd' as equal to the restricted sense of 'cenedl' in the Laws occur in—

*Dim. Code*, Bk. II, c. 1, § 33:

Tri dygyngoll kenedyl ynt; un yw dechreu o welygord talu galanas (y) dyn alather ac na thalwyt cwbyl ac am hynny llad un or welygord honno. . . .

*Dim. Code*, Bk. II, c. 23, § 14 :

Or byd tir rwng gwelygord heb rannu kynn bwynt marw oll namyn un (dyn) yr un hwnnw a geiff y tir kyffredin oll.

*Dim. Code*, Bk. II, c. 18, § 48 :

. . . 'ar trydydd achaws pa beth bynnac rywnel hi nny welygord y bu gynt yndi, na byd hawl nac arawl nny hol hitheu nny welygord arall y doeth idi.'

*Gw. Code*, Bk. II, c. 30, § 11 :

'Or diuernir gwelygord o tir. . . '

The *Record of Carnarvon* uses 'gwely' almost exclusively; the *First Extent of Merioneth* likewise. The *Survey of Denbigh* uses the three words, 'gwely,' 'progenies,' 'wyrion' interchangeably. The *Extent of Bromfield* uses no terminology to indicate clanship.

NOTE (4), p. 67.—See, e.g., the *Survey of Denbigh*, and its major 'gwelyau' of Edred ap Marchudd, Vuelleneu (Efelyw), Cynddelw ap Cadwgan, etc.

NOTE (5), p. 68.—See *Survey of Denbigh*, sub. tit. Abergele (Aber-gelleue), Bodelwyddan (Bodelennan), Massewig (Massegwyk), Llwydcoed (Loydcoyd), Llysalet (Thlessalet), Mathebrud (Mathebrut), Heskyn, Mostyn (Postu), Beidiog (Beydiok), Cilcein (Kylkeyn), Trofarth (Toro-noth), Cefnllaethfaen (Lathenayn), Brynfanigl (Brenfanyk), Twynan (Tuennan), Dinorben Fychan (Dynorbyn Vaghan), and *Record of Carnarvon*, sub. tit. Penrhyn (Penruyn), Gloddaeth, Crewerion, Bettws-y-coed (Bettws), Deganwy (Gannow), Nantfychan, Trefcastell, Penymynydd (Pennyneth), Ddrainog (Edrinok), Trescawen (Trusclyn), Gwredog (Gweredok), Penhenllys (Penwynlees), Bodunod and Twrgarw.

Also *Welsh Tribal Law and Custom*, Vol. I, p. 117

NOTE (6), p. 68.—'Tir gwelyog' = 'trewelogle' of the *Record of Carnarvon*.

NOTE (7), p. 68.—See, e.g., estimation of shares 'per stirpes' in *Survey of Denbigh*, in the progenies of Rand Vaghan ap Asser, Edred ap Marchudd (Marghhuyl), Cadwgan ap Ystrwth (Cadugan ap Ostroyd), Llywarch ap Cadwgan (Lowarghe ap Cadugan), Efelyw (Vuelleneu), etc., *Welsh Tribal Law and Custom*, Vol. I, pp. 234 *et seq.*

NOTE (8), p. 69.—For detailed discussion of 'priodolder,' *vide Welsh Tribal Law and Custom*, I, pp. 215 *et seq.*

See also *Ven. Code*, Bk. II, c. 14, § 1, and c. 11, § 32 :

'Ac ot ytyu ew yno yn petwarygur pryodaur yw canys yn petwarygur yd a dyn yn pryodaur. . . . O . . . bod priodawr eni holi (i.e. an 'am-priodawr') a keitgueit idau ar y priodolder er ampriod awr a kecuin raddau.'

*Gw. Code*, Bk. II, c. 30, § 9 :

Nny pedwarydyn yda dyn yn priodawr ydat ae hendat ae orhendat ae ehun yn pedweryd. . . . Ac nyt y uelly dysgyn dyn oe pryodolder nny uo yn alldut. . . .'

NOTE (9), p. 69.—This follows from the fact that in clan-areas (even though there might be separately held plots) the interests of groups within the clan were expressed in fractional shares, ascertained 'per stirpes.'

NOTE (10), p. 70.—An illuminating instance is that of the progenies Rand Vaghan in Petruel (*Survey of Denbigh*, p. 182).

'Priodarii de progenie Rand Vagh' quorum nomina patent in Deunant tenent hic tantem partem in iiij lectis quantum tenent superius in Deunant,

tamen tenent hic quasi pro uno lecto quod vocatur Wele Wiryon Rand terciam decimam partem illius ville.'

That is to say, the whole progenies held a share in Petruel as an undivided whole.

In Deunant, the larger 'progenies' is divided into gwelyau Rauthlon (Rhiwallon), Idenerth, Danyel (Deiniol), Keuret (Carwed), holding separately from each other (see *Survey of Denbigh*, pp. 157-60). So too in Grugor (p. 162); Quilbrey (Chwilbren), pp. 163-4; Pennaulet (Pennant Aled), p. 165; Penclogor (Penglogor), p. 166; Hendrenennyth (Hendrenennig), pp. 167-8; Prestelegot (Prysllygod), pp. 169-71.

These gwelyau were again subdivided into lesser groups, holding separately, in Deunant, Grugor, Chwilbren, Pennantaled, Hendrenennig, but apparently not in Penglogor and Prysllygod.

NOTE (11), p. 70.—See, e.g., S.W. Merioneth, where the purely unfree viles are Llanycil (includes Bala), Llanfachreth, Dolgelley, Llanegryn, Towyn, Caethle, Pennal, with a partial unfree population in Cystyllen and Penararan, viles with an area of good culturable land. All the upland 'trefydd' which have a limited culturable area, are free.

North of the Mawddach, where the viles are partly upland, partly lowland with culturable portions, practically all the viles are mixed (see *Record of Carnarvon*, Merioneth Extent).

See also *Survey of Denbigh*. Most viles in the Vale of Clwyd were partially or entirely unfree; viles in the uplands of the Hiraethog almost entirely free.

NOTE (12), p. 70.—A marked instance of this is in Merioneth, where in the fifteenth century Survey in the *Record of Carnarvon* there were nearly 200 gafael or individual holdings.

NOTE (13), p. 70.—Instances of rule:—

Clan of Rand Vaghan. On extinction of branch of Madoc, the whole interest of Madoc's line reverted to the lines of his brothers (*Survey of Denbigh*, p. 158 *et seq.*).

Clan of Edred ap Marchudd. On extinction of branch Griffith ap Ithon, his interest reverted to lines of Griffith's brothers (*Survey of Denbigh*, p. 276).

Clan of Hwfa ap Cynddelw (*Record of Carnarvon*). Divided before A.D. 1200 into five gwelyau. Nearly 200 years after the five gwelyau were still holding jointly, showing thereby that reversion on extinction of a branch was to gwely as a whole.

Rule as to escheat after partition:—

*Gw. Code*, Bk. II, c. 31, § 3:

Tir kyt hyny bo namyn un oe etiuedyon heb diffoddi, ef adyly caffel cubyl or tir; gwedy ranher hagen y brenhin auyd etiued yr neb adiffodo.

*Dim. Code*, Bk. II, c. 23, § 14 and 5:

Or byd tir rwg gwelygord heb rannu kynn bwynt marw oll namyn yn dyn yr un hwnnw ageiff y tir kyffredin oll. . . . Gwedy ran ho y brodyr tref eu tat yruydynt or byd marw un ohonunt heb etifed idau oe gorff neu y gyt etiued hyt geifuyn y brenhin bieiuayd ac avyd etiued or tir hwnnw.

NOTE (14), p. 71.—*Ven. Code*, Bk. II, c. 14, § 1:

Y gyureyth a dyweyt o deruyd y dyn (bot) y gwlat arall . . . na dyfyt y priodolder ew hyt y nauuetdyn pa amser bynnac ydel yw ouyn ac ony byd ereyll ary tyr wedy eu hesgynnu yn bryodoryon . . . dylyu

. . yn gubyl or aedewys, ac o byd ereyll (gwedy esgynnu) yn bryodoryon yn eu herbyn dylu kyureyth kyhydet yrygthunt ay gywran cany dily priodaur kychwyn rac y gylid.

*Ven. Code*, Bk. II, c. 15, § 6 :

Gwell yw breynt pryodaur (ar) a gynwarchadu tir nog yt un newyd dyuot.

*Ven. Code*, Bk. II, c. 11, § 32 :

O deruit iampriodaur bot kedueit kandeu ar y vod ef en guarkadu tir a daear en eilguir neu en tredet gwr, abod priodawr eni holi akeitgueit idau ar y priodolder er ampriodawr akecuin racdau. . . . Priodawr a-kecuin tridetgur. . . .

*Gw. Code*, Bk. II, c. 30, § 10 :

Gwedy yd del ef yn priodawr ny diffyd y priodolder hyt y nawuet . . . achet galwo am diaspat uwch aduan or nawuet dyn allan ny weren-dewir.

*Dim. Code*, Bk. III, c. 3, § 38 :

O dervyd y ampriawdr disgyn yn briawdwr ar dir, ar henbriawdwr yn didiffodedic y priodolder ac yn kwynaw kwyn kamoressgyn rac daw ynnteu am y tir ; ynna ymae iawn ranny y tir yn deu hanner rygtynt am disgyn yr ampriawdr ynn briawdr, ac am na diffodes priodolder y priawdr ; kyfreith yn dyallu na dychawn un o honynt gwrthlad y gilyd oe priodolder.

*An. Laws*, Bk. IX, c. 27, § 18 :

Pwybynnac a gynhelo tir tayr oes gwyr yn un wlat ar priodoryon heb wneuthur un o try thwrw kyffraith nywrthebyr vyth vdunt am y tyr hwnw kan rygaeod kyffraith y rygthvnt ac ef.

NOTE (15), p. 71.—*Welsh Tribal Law and Custom*, p. 218.

NOTE (16), p. 71.—*Ven. Code*, Bk. II, c. 12, § 8 :

Ny dily untyr bot yn dyurenbyn . . . (here follow details of renders from Church lands). . . . Ac wrth hynny nyt oes un tyr hepdau.

*Ven. Code*, Bk. II, c. 16, § 3 :

Nyt dyls ydyn y dyuodyat ytyr namyn o uraut y gyureyth neu o estyn argluyd.

*Dim. Code*, Bk. II, c. 8, § 131 :

Y brenhin bieu tir y teyrnas oll ac onny (gwy eglwyssic) wrtheb or tir yn vuyd y brenhin bieuyd (y tir).

*An. Laws*, Bk. VI, c. 1, § 61.

O deruyd tebygu na allo arglwyd o gyfreith rodi tir treftadawc arall yn herwyd na dylvei nep namyn y dilyet ehun ; kyfreith adyueit y digawn (yr arglwyd) yna wasgu y deu peth yn un (i.e. service and possession).

*An. Laws*, Bk. XI, c. 3, § 35 :

Kyfreith a dweid y dychawn y brenhin roi tir y deyrnas yr neb a wassanaetho drostaw.

NOTE (17), p. 71.—This follows from the fact that the son is always spoken of as 'etiuied' in the life of his father, and not as 'priodawr,' and from the rule that four *continuous* generations of occupation created the right of priodolder. It is expressed also in *Ven. Code*, Bk. II, c. 28, § 9 :

Ac or oet hwnnw (i.e. 14 years), allan y byd un braint a bonhedyc canhuynaul canyt oes ureynt ydaw namyn y bonhed (implying he has no status in respect of land-holding) ac nat esgyn ynteu y mreynt y tat y ny uo maru y dat.

NOTE (18), p. 72. *Ven. Code*, Bk. II, c. 15, § 8:

Ny dyly y tat divwynaw na dewynyddau dylyet y mab am tyr a dayar namyn yny oes ehun . . . ny dyly y tat treyssyau y mab am tyr, a chet as treyssyon ew adyguyd traygyuen eithyr un peth yny lle y bo dyundeb . . . am talu tyr yn waetyr.

*Dim. Code*, Bk. III, c. 3, § 29:

O dervyd y dyn lad arall, a dygwydau galanas arnaw . . . y mae iawn taly y tir yn waetir; . . . a llyna yr un lle y dychawn tad defnydyaw dlyed y vab heb y genad.

*An. Laws*, Bk. IX, c. 25, § 11:

Nydylyr gwerthv tyr naydragwadoli heb genad a dvhvndeb.

NOTE (19) p. 72.—*Vide* sub. note 18.

NOTE (20), p. 72.—*Dim. Code*, Bk. II, c. 23, § 20:

Ny dicaun neb o gyureith dilyssu tir yn erbyn y etiuedyonn y arall onnyt ar eu kyttles neu o duundeb, neu o aghen kyureithawl.

*Dim. Code*, Bk. III, c. 3, § 3, refers to the 'tri agen kyfreithawl.'

*An. Laws*, Bk. XI, c. 1, § 3:

Perchen tir diettifed oy gorff a dychawn priodoli y dir yr neb a myno. Or byd ettifed hagen y berchen tir nys dychawn kany dychawn perchen tir diettifedy y ettifed na defnydyaw y dir y neb heb genad y ettifed, onny ynny kyddles nid amgen yny amser ef y hynan neu drwy vod arnaw un or aghenion gossodedic a rydha y dyn werthu y dir heb genad y ettifed, nyd amgen nor agen amvoid neu diod neu da y daly y dlyed.

NOTE (21), p. 72.—E.g. *Dim. Code*, Bk. II, c. 23, § 20:

Ny dicaun neb . . . rodi dim ohonaw ar yspeit heb teruyn gossodedic ygallo y etiuedyonn y dilwg os dros da yrodri rac aghen ac na doter arnaw namyn deuparth y werth, ac onny byd velly y etiued ae keiff pany gouynno.

For temporary leases see *inter alia* *Ven. Code*, Bk. II, c. 16 § 9–16, 18; *Gw. Code*, Bk. II, c. 32, § 14–17; *An. Laws*, Bk. V, c. 1, § 9; Bk. X, c. 16, § 6; Bk. XI, c. 4, § 20.

NOTE (22), p. 72.—*Vide, inter alia, Ven. Code*, Bk. II, c. 16, § 2:

Y gyureyth eglwys a dyweyt eylweyth na dyly un mab trew tat namyn y mab hynaw . . . kyureyth Hywel hagen ay barn yr mab yeuaw megys yr hynaw. . . .

NOTE (23), p. 72.—*The Tribal System in Wales*, pp. 61 *et seq.*

NOTE (24), p. 72.—*Vide* discussion of evidence in *Welsh Tribal Law and Custom*, Vol. I, pp. 234–40.

NOTE (25), p. 73.—*Vide Welsh Tribal Law and Custom*, Vol. I, pp. 229–33 and 240–5.

NOTE (26), p. 73.—E.g. certain Pathan tribes in Rawalpindi, Swat, Pachad, Marwat (N.W.F.P., India), governed by the 'vesh' system, where a re-allotment takes place at periodical intervals (*Rattigan's Digest of Customary Law*, VIIIth Edition, p. 330). The 'vesh' system is quite unknown elsewhere in tribal Punjab.

NOTE (27) p. 73.—*Ven. Code*, Bk. II, c. 14, § 1–3; c. 11, § 17 *et seq.*; *Dim. Code*, Bk. II, c. 8, § 63, 105; c. 20, § 1; Bk. III, c. 1, § 1; *Gw. Code*, Bk. II, c. 30, § 23, 24; c. 31, § 7; *An. Laws*, Bk. VII, c. 1, § 9, 10, 11, 21; Bk. IX, c. 27, § 1–21; c. 26, § 1; Bk. X, c. 17, § 1–3; Bk. XI, c. 5, § 7, 9, 10, 11.

NOTE (28), p. 74.—*Ven. Code*, Bk. II, c. 14, § 3; *Dim. Code*, Bk. II,

c. 8, § 105-6; *An. Laws*, Bk. IX, c. 29, § 1-4; c. 26, § 3; Bk. XI, c. 5, § 13; Bk. VII, c. 1, § 9, 22, 23.

NOTE (29), p. 74.—*Ven. Code*, Bk. II, c. 13, § 1-6; *Dim. Code*, Bk. II, c. 8, § 105, 107; c. 20, § 1-4; *Gw. Code*, Bk. II, c. 29, § 1-8; *An. Laws*, Bk. VI, c. 1, § 33; Bk. VII, c. 1, § 9, 26-9; Bk. IX, c. 28, § 1-13; c. 26, § 2; Bk. X, c. 17, § 1, 4; Bk. XIV, c. 47, § 1-16.

NOTE (30), p. 74.—*Ven. Code*, Bk. II, c. 12, § 1-5; c. 11, § 56; *Gw. Code*, Bk. II, c. 31, § 7; *An. Laws*, Bk. VII, c. 1, § 48-51; Bk. IX, c. 31, § 1, 2; c. 26, § 6-8; c. 33, § 1-8.

NOTE (31), p. 74.—*An. Laws*, Bk. VII, c. 1, § 9, 24, 25; Bk. IX, c. 30, § 1-17; c. 26, § 4; Bk. XIV, c. 46, § 1-11.

NOTE (32), p. 74.—Adoption in its strict sense is a religious or quasi-religious ceremony, whereby a son of another is transferred to a sonless person, the purpose being to continue the family which would otherwise become extinct. This is the characteristic of adoption in both Roman and Hindu law.

Societies practising 'adoption' vary as to who may be adopted; there is generally a bias in favour of a near agnate and a bias against a daughter's son, though this has many exceptions, and it is common for a complete stranger in blood to be adopted.

The common characteristic is that the adoptor should be sonless.

Certain Indian agricultural tribes, generally Mussulmans, whose religious law does not recognise 'adoption,' practise, under custom, a kind of 'secular adoption,' or as it is termed 'an appointment of an heir.'

This 'secular adoption' is subject to the same rules as to who can be adopted, and as to the sonlessness of the adoptor, and there is a regular customary ceremonial. On the whole question of 'adoption' among Indian agriculturists, see Ellis' *Note on Punjab Custom*, pp. 109-49.

The Welsh 'mamwys' was quite distinct. No religious significance attached to it; no ceremonial is indicated; the only person who could claim 'mamwys' was the son of a daughter married to an 'alltud'; the claimant's grandfather need not be sonless; and the person claiming 'mamwys' took a share along with his maternal uncles.

For instances of a daughter acting as a conduit of succession to her son (i.e. conferring a right of succession through maternity) see *Notes on Punjab Custom*, sub. tit. 'Khanadamadi,' pp. 90-101.

NOTE (33), p. 74.—*An. Laws*, Bk. VII, c. 1, § 9, 41, 42; Bk. IX, c. 26, § 5; c. 34, § 1-8; Bk. XIV, c. 48, § 1-7.

NOTE (34), p. 75.—For actual instances in *Survey of Denbigh*, see *Welsh Tribal Law and Custom*, Vol. II, p. 427.

NOTE (35), p. 75.—E.g. ville Merghlyn (Castell) holding of Ithel Voyl, ville Glyn and Wrauant; ville Crukeny and Nythrym, wele map Riotle and wele Ieuan ap Ph. Voel; ville Stunthlyn, wele Teg ap Roppt; ville Eryanneth, share in wele Ior' ap Ieuan

NOTE (36), p. 75.—*Dim. Code*, Bk. II, c. 23, § 5, *vide* Note 13; *Gw. Code*, Bk. II, c. 31, § 3, *vide* Note 13.

*Dim. Code*, Bk. II, c. 23, § 19:

Pwybynnac hagen nybo etiued idaw oe gorff ygytetiuedyonn nessaf o vywn y teir ach or kyff avydant yn lle etiuedyonn idaw.

*An. Laws*, Bk. XI, c. 5, § 57:

Or byd marw perchen tir hyd ar geifyn heb ettifed oe gorff neu gid ettifed; y brenhin a vyd ettifed o dir hunnw.

*Survey of Denbigh*, p. 47 :

Et extra tercium gradum non habent accionem ad hereditatem petendam, set est terra ad voluntatem domini tanquam escaeta. Set si dominus terram illam dimittere voluerit est citius dimittenda propinquiori de sanguine pro vero valore quam alicui extraneo.

Cf. also *Survey of Denbigh*, p. 150, sub. tit. 'de releviis'; *Survey of Denbigh*, p. 209; *Survey of Denbigh*, p. 313, sub. tit. 'de relevio liberorum.'

NOTE (37), p. 76.—The numbers of co-holders are not given in the *Record of Carnarvon*. For figures of unfree holdings in *Bromfield and Yale*, see *Welsh Tribal Law and Custom*, Vol. II, pp. 423–4, and in *Denbigh*, Vol. II, pp. 424–6.

NOTE (38), p. 76.—The term 'trefgefery' is applied in *Record of Caernarvon* to 14 villes in Caernarvon, and 11 in Anglesea. In *Survey of Denbigh* the only villes which partake of the 'trefgefery' character are Dinorbin and Cilcennus. In *Bromfield and Yale*, excluding maerdrefs, there is no ville of that nature.

NOTE (39), p. 76.—See *Record of Caernarvon*, where the villes Trefcoed cum Nant, Hirdref and Bodean, though recorded as 'trefgefery,' claimed to be 'treweloghe.' Also absence of distinction in nomenclature in *Survey of Denbigh*, *Extent of Merioneth*, and *Extent of Bromfield and Yale*.

NOTE (40), p. 77.—E.g. Dolpenmaen, Dolellog, Dolbadaran, Dolgelley, Dolwyddelan. Contra Dolgledr (a township of Dolgelley).

NOTE (41), p. 77.—*Ven. Code*, Bk. II, c. 12, § 6 :

Tyr kyllydus hagen ny dylyir y rannw herwyd brodyr namyn maer achyghellaur a dilyant rannu arody y baub en kystal ay gylid yny trew ac urth hynny y gelwyr ef yn tyr kyuryw ac ny byd erw dyfodyedyc yn y tir kyuryw namyn o byd yr ryw eru honno yndau y rannu or maer ar kyghellaur yn gyfredyn y baup kystal ay gylid. Ac ny dyly nep kychwyn oy tydyn kyurethraul o geyll cafael kyhydet amdanau o tyr arall.

See also *Ven. Code*, Bk. II, c. 20, § 3, 5, 9; *Gw. Code*, Bk. II, c. 19, § 2; c. 35, § 5. Ny dyly neb o tayawctref aredic hyny gaffo pawb or tref gyfar.

*An. Laws*, Bk. V, c. 2, § 29 :

O derwyd marw dyn o tir kyfrif heb vab idaw . . . ny byd erw diffodedic yny ryw dref honno.

*An. Laws*, Bk. V, c. 2, § 52 :

Un mab nyt reit idaw arhos agheu y dat yr estynnu tref y dat idaw ; mab gwr o dir kyfrif, kannyt mwy y rann ef o erw y dat nor gwr eithaf yny dref. Y mab ieuaf eissyoes a dyly y arhos ; kanys yn lle y dat y dyly ef eisted.

*An. Laws*, Bk. IX, c. 32, § 1, 2 :

Ny dyleir kyt o un lle onyt yn tref gyffrif ac yn ydref honno y dyly pawb gymynt ae gildid ae nyt kystal. Ac yny dref hono y dyly meibion tir y mywyt ev tat eithyr y mab ieuaf a dyly aros marw y dat, kanys yn lle y dat y dyly eiste.

Y neb a alwo am tir yn tref gyffry ef a dyly dewis y tyddyn yn y lle gwac ymyno heb ty ynddaw ac wedy hyny kyhyt affawb.

See also Bk. XIV, c. 17, § 6; c. 32, § 3.

NOTE (42), p. 78.—*An. Laws*, Bk. XIV, c. 32, § 1, 2 :

Mal hynn y may am hawl gyhydd. Dyfot ar arglwydd a manegi, i hanfot ef or dref honn a honn, ar erchi yr Duw iddaw beri yawnder iddaw oe dlyet ac yna y dyly ef y beri, a pheri a ddyfynnu y dref gyfrif

y dyweyd y dyweto fot yddlet ynddi a phan ddelir yr maes y dyl y hawlwr ymrwymaw yngeyfreith, a chadeiryaw pleidieu; ac yna y dyl ddywedyt messur y hawl ae hanfot or dref honno, ar or cyff hwnn a hwnn ae y mae ynteu yn erchi y dirigaw yn y dref. Ny bydd hawl gyhyt eithyr yn tref gyfrif, canys pob un a ddyly cyhydu ae gilydd mal pe brodyr faent.

NOTE (43), p. 78.—For permanency of liability see, e.g., *Record of Caernarvon*, sub. tit. 'Bodellok.'

'Talis natura quod licet fuit nisi unus tenens in ville quod ipse responderet de toto redditu ville.'

Cf., *inter alia*, sub. tit. 'Gest, Aberffraw Maerdref, Hirdrenennik and Dynan.'

See also *Survey of Denbigh*, sub. tit. 'Kylkennys' (Cilcennus):

'Et dicunt quod licet fuisset nisi unus eorum, ille solus teneret totam villam redd, ut supra pro butiro, sed non solvet pro messione bladorum neque pro construccione domorum nisi unus tenens.'

Cf., also, sub. tit. 'Dynorbyn Vawr.'

NOTE (44), p. 78.—*Ven. Code*, Bk. II, c. 17, § 12:

A deudeg maynau a duydwre ym pob kymut . . . un onadunt a dyl bot yn tyr maertrew.

See also, *inter alia*, *Record of Caernarvon* with the cymydau and maerdrefi as follows:

Malltyth and Lywan, Aberffraw; Talybolion, Cemmaes; Turcelyn, Penrhos; Dyndaytho, Lammas; Menai, Rhosfair.

NOTE (45), p. 78.—*Ven. Code*, Bk. II, c. 20, § 9:

Gwyr y uaertrew a dyl gwneuthur o dyn ac yscubaur yr brenhyn. . . . Wynt a dylant dyrnu and chrasu a medy a llywnu a llad gwyr a cheysyau gwellt a chynnwt en e fvmer en y gnyuer gweyth y del y brenhin yr llys.

Typical maerdrefs are Dolgelley and Talybont (P.R.O. Roll 789), Llanenddwyn (Ex. Merioneth, *Record of Caernarvon*, described 200 years after it had ceased to be caput of Ardudwy), Aberffraw, Cemmaes and Rhosfair in *Record of Caernarvon*.

NOTE (46), p. 78.—See, e.g., Dolgelley and Talybont, in P.R.O. Roll 789.

NOTE (47), p. 78.—In *Record of Caernarvon* 'tir bwrdd' is found, ipso nomine, in Llanfairpriscoil, Cemmaes, Penrhos and Miogen only. In latter ville it is said, 'Quaedam hamel est terra dominica Wall, voc Tirbord.'

Plots, sub. nom. 'terra dominicalis' are more frequent.

NOTE (48), p. 79.—*Vide* sub. tit. Rhosfair, Penrhos, Cemmaes, Aberffraw, Llanenddwyn and Trawsfynydd in *Record of Caernarvon*.

NOTE (49), p. 79.—A striking illustration of this comes from the *Extent of Merioneth*, circa 1445, ville Rhyderiw, where the separately held plots had become separately assessed under separate names—Teir yr ynys, Penywern, Turkayll, Gwyon Gway Ivan, Gwadenerthe, y Garthlloit, Cefngoch, Tir Aluegele, Coedbryn, Lletty Eden', many of which names still survive as farmhouses.

Some of these plots are shown as separately assessed as early as the 1285 Survey, viz. Terra Turkyl, Gwaddereith, Gariloc.

NOTE (50), p. 79.—For full discussion of co-tillage, *vide Welsh Tribal Law and Custom*, Vol. II, pp. 57 *et seq.*

NOTE (51), p. 80.—E.g. in *Record of Caernarvon* :

Anglesea—Gwredog, Ddrainog, Pen Garnisiog, and twenty-two other viles, Caernarvon—Clynnog, Meyllteyrn, Gest and eleven other viles.

In *Survey of Denbigh* under the *Consuetudines Communes*, pp. 46 *et seq.*, 148 *et seq.*, 208 *et seq.*, 313 *et seq.*, where there are frequent references to ‘*liberi et nativi commoti seu eorum tenentes.*’

See also *Ven. Code*, Bk. II, c. 17, § 5, 7, 9; *Gw. Code*, Bk. II, c. 5, § 21, 23, 28.

NOTE (52), p. 80.—See, e.g., the Charter to Cymmer Abbey in *Record of Caernarvon*. See also in *Survey of Denbigh*, the renders paid to the Abbots of the clan Cynan ap Llywarch were Albadeth, which excused them from payment of renders to the lords.

NOTE (53), p. 80.—Contained in *Record of Caernarvon*.

NOTE (54), p. 80.—E.g., gwestfa or tunc is standardised in *Ven. Code*, Bk. II, c. 17, § 15; c. 21, § 1; c. 26, § 1, 2; *Dim. Code*, Bk. II, c. 19, § 1-6; *Gw. Code*, Bk. II, c. 33, § 1; c. 34, § 1-8.

Building liabilities are standardised in *Ven. Code*, Bk. I, c. 43, § 16; Bk. II, c. 20, § 1, 9; *Dim. Code*, Bk. II, c. 11, § 7; *Gw. Code*, Bk. II, c. 35, § 6.

The same applies to all liabilities.

NOTE (55), p. 81.—This seems to come out clearly from the distribution of ‘*cylch*,’ e.g., in Dindaethwy (*Record of Caernarvon*).

All *cylchau* were imposed on some holders in Dynyslewyy Rees and Llandefnan.

*Cylch stalonis* on some in Pentre, Bodenriw, Castellbolwyn, Llandefnan, Mathafarn, Castellior, Cremlyn.

*Cylch dourgon* on some in Pentre, Castellbolwyn, Llandefnan, Mathafarn, Cremlyn.

*Cylch ragloti* on some in Bodenriw, Castellior and Cremlyn.

Several viles and many holdings in others were entirely free from all *cylchau*.

NOTE (56), p. 81.—This follows, by implication, from the differentiation between the ‘*hosts*’ and the duties of the *aillts*, e.g. under *Ven. Code*, Bk. II, c. 19, § 7, 11:

Ny dyly y brenhyn duyn lluyd or wlad allan namyn un weyth pob bluydyn ac ny dyly bot yn hwnnw namyn pytheunos a mys . . . yny wlat ehun ryd yu ydau lluyd pan a uynho. . . . Wynt (meibion eyh yon) a dylyant roy pynuerch yr brenhin yr lluydeu.

NOTE (57), p. 81.—There are knights-fees in the *Black Book of St. David’s*, also in Glamorgan and Brecon; but in none of the Northern Surveys.

In *An. Laws*, Bk. XI, c. 2, § 2 (a MS. of the fifteenth century from Cardigan) military service is said to be due from the land; but this expression appears to stand alone.

NOTE (58), p. 81.—For references to the military services of the Wyrion ‘*Eden*,’ see *Record of Caernarvon*, sub. tit. Penrhyn, Truselyn, Trefcastell, Penymynydd, Ddrainog, Gwredog, Penhenllys and Twrgarw; in *Survey of Denbigh*, sub. tit. Toronoth, Twynan, Brynfanigl, Dinorben Fychan and Llysaled.

NOTE (59), p. 81.—In *Record of Caernarvon* (excluding the Wyrion *Eden*) and a few bovate and carucate holders) references are in Gloddaeth, Trefwarth, Cwmlanerch, Clynnog, Botford, Heneglwys, Crewerion, Grugor

only. In *Survey of Denbigh* (excluding new impositions on foreigners and the Wyrion Eden') it is referred to as of general application on p. 89, lines 1, 4, 5; p. 146, line 1; p. 209, line 21.

It is specifically attached to individuals in Gwaenynog, Taldrogh', Gwytheryn, Meifod.

NOTE (60), p. 82.—*Vide* (a) the numerous instances of escheat in the *Survey of Denbigh* of 'tenencium mortuorum contra pacem' among the unfree, e.g. Segrwyd, p. 7; Prion, p. 18; Brynabagl, p. 21; Llywessog, p. 37; Cilcedig, p. 43; Lleweni, p. 59; Beryn, pp. 130–1; Taldrogh', p. 146; Wigfair, p. 214; Gwerneignon, p. 242; Mochdref, p. 309.

(b) Extent of Bangor (*Record of Caernarvon*). Unfree of Aberpwwl, Llanestyn, Edern, Llanbedrog, Penheskyn, and several other villas were liable to military service. Also all unfree tenants of the Church in Twreclyn.

(c) *Extent of Bromfield and Yale*.

Unfree of Llanarmon, Gwensannau, Erryres, Bodidris, Chweleirog, Bryntangor, Dutton Diffaeth, Stansty. See for extension of service abroad sub. tit. Abenbury (Item debunt ire cum domino in guerre Wallie et Scocie cum corpore domini. . .)

This condition appears (generally with the addition of England) also sub. tit. Trefydd Bychan, Eyton, Llanarmon, Gwensannau, Beiston, Sontley, Eglwyseg, Hoseley, Burton, and is implied, by general terms, in many other villas.

Cf. also *Record of Caernarvon*, sub. tit. Trusclyn where only service is 'as far as Salop,' and Trefcastell 'within the marches of Wales at own cost and elsewhere at the lord's cost.'

NOTE (61), p. 82.—See, e.g., *Ven. Code*, Bk. I, c. 7, § 22:

Ef adele kyle ykan ebrenyn gwedy yd ym guahanc ac ef e Nodolyc ef ar teylu. A teyr ran adele y uod or teylu . . . apop eylguerth edele uod ykyt ac huynt. . . . A guedy darfo udunt ekyle hunn deuety ef ar ebrenyn atrikeyd ykyd ac ef.

NOTE (62), p. 82.—See, e.g., *Survey of Denbigh*, p. 148:

Et sciendum quod tempore Principis solebat unus stalo et unus garcio Principis pasci ad domum cuiuslibet liberi non habentis tenentem aut eciam ad domum cuiuslibet tenentis liberorum et eciam ad domum cuiuslibet Nativi istius commoti per unum diem et unam noctem. . . . Tamen tunc non reddiderunt pro illis pastubus nisi quilibet eorum per annum j.d.

NOTE (63), p. 83.—For full discussion of the cylechau and liability thereto see, *Welsh Tribal Law and Custom*, Vol. I, pp. 304 *et seq.*

NOTE (64), p. 83.—For 'tunc' and 'gwestfa' of the King see in *Codes* :—

*Ven. Code*, Bk. I, c. 15, § 11; Bk. II, c. 17, § 15; c. 20, § 9; c. 19, § 5; c. 21, § 1; c. 26, § 1, 2.

*Dim. Code*, Bk. II, c. 12, § 8; c. 19, § 1–6; c. 23, § 52.

*Gw. Code*, Bk. II, c. 33, § 1; c. 34, § 1, 2.

NOTE (65), p. 83.—For details of tunc levy in Denbigh see *Welsh Tribal Law and Custom*, Vol. II, pp. 427–31.

NOTE (66), p. 83.—In *Bromfield and Yale* referred to only sub. tit. Sesswick, Pickhill, Beiston, Dutton Diffaeth, Dinhimlle, Cristionydd Dinhinlle, Dutton y Brain and Burton.

In *Extent of Merioneth* (*Record of Caernarvon*) sub. tit. Llanelltyd,

Llanaber, Llanbedr, Llanfair, Llanfihangel, Llanddwywe, Llandecwyn, Trawsfynydd, Maentwrog, Festioniog and Trawsfynydd only.

In Anglesea and Caernarvon (*Record of Caernarvon*) in Gest, Dinlle, Morfa, Penllech, Penyfed, Trefeithio, Bodenerth and Glasfryn only.

NOTE (67), p. 83.—For references to 'dawnbwyd' in the Codes see *Ven. Code*, Bk. II, c. 27, § 1-3; *Dim. Code*, Bk. II, c. 19, § 7-13; *Gw. Code*, Bk. II, c. 34, § 9-11.

NOTE (68), p. 83.—For details of food renders in Surveys, see *Welsh Tribal Law and Custom*, Vol. I, pp. 293-304.

NOTE (69), p. 84.—For liability to build and repair in Codes, see *Ven. Code*, Bk. I, c. 43, § 16; Bk. II, c. 20, § 1, 9; *Dim. Code*, Bk. II, c. 11, § 7, and *Gw. Code*, Bk. II, c. 35, § 6.

NOTE (70), p. 84.—In *Survey of Denbigh*, pp. 8, 45, 46, 50, 59, 62, 86, 109, 120, 131, 137, 141, 143, 145, 146, 149, 154, 209, 222, 269, 275, 308, 315, 317, 320.

For other localities, see *Welsh Tribal Law and Custom*, Vol. I, pp. 320, 325.

NOTE (71), p. 84.—For liabilities to repair and maintain mills, see *Welsh Tribal Law and Custom*, pp. 319-25 (Vol. I), and for mill tolls, *ib.*, pp. 330-2.

NOTE (72), p. 84.—*Ven. Code*, Bk. II, c. 20, § 9.

NOTE (73), p. 84.—*Survey of Denbigh*, pp. 50, 154, 270, 271, 315, 318, 320.

In *Record of Caernarvon* sub. tit. Pen-y-barth.

Generally, *Welsh Tribal Law and Custom*, Vol. I, pp. 332-5.

NOTE (74), p. 84.—For details of portorage, see *Welsh Tribal Law and Custom*, Vol. I, pp. 326-9.

NOTE (75), p. 85.—For law of pannage in Codes, see *Ven. Code*, Bk. III, c. 25, § 6, 7, 8, 22, 39; *Dim. Code*, Bk. II, c. 23, § 43, 44, 45; Bk. III, c. 3, § 36; *Gw. Code*, Bk. II, c. 28, § 6, 7, 8, 9, 10.

In the Surveys, see especially *Extent of Bromfield and Yale*, p. 35, and other references in index thereto.

NOTE (76), p. 85.—*Ven. Code*, Bk. II, c. 17, § 15; c. 26, § 1.

NOTE (77), p. 86.—The phrasing shows the joint liability, e.g. *Ven. Code*, Bk. II, c. 17, § 15:

Ac or wyth (maenol) hynny y dyly y brenhyn gwestua pob bluydyn sew yw hynny punt pob bluydyn o pob un onadunt.

*Ib.*, c. 19, § 5.

Y uaynaul y taler tung . . . pedeyr arugeint o aryan o bop maynaul.

*Ib.*, c. 21, § 1. O pob maynaul ryd y brenhyn a dyly keruyn med.

*Ib.*, c. 26, § 1. Messur gwestua y brenhyn yn amser gayaw o uaynaul ryd.

*Gw. Code*, Bk. II, c. 33, § 1, Messur gwestua brenhyn yw o bob tref y taler gwesta brenhin o honei. . . .

NOTE (78), p. 86.—See Rees' *South Wales and the Marches*, pp. 205, 223 *et seq.*

NOTE (79), p. 86.—*Survey of Denbigh*, see discussion on pp. lx-lxiii.

NOTE (80), p. 86.—*Survey of Denbigh*, p. 175:

Villata . . . consistit in vj lectis quorum unumquodque lectum solebat reddere de Tung iijs iiijd.

NOTE (81), p. 87.—*Survey of Denbigh*, pp. 96 *et seq.*, 245 *et seq.*, 285 *et seq.*, 299 *et seq.*

NOTE (82), p. 87.—*Survey of Denbigh*, sub. tit. Segrwyd, p. 7; Prion, p. 19; Postu, p. 26; Llewesog, p. 37; Brynlluarth, p. 40.

NOTE (83), p. 87.—*Welsh Tribal Law and Custom*, Vol. II, pp. 428–30.

NOTE (84), p. 87.—E.g. *Survey of Denbigh*, p. 229.

NOTE (85), p. 88.—*Ven. Code*, Bk. II, c. 27, § 1:

Or maynolyd caeth y dylyr deu dawnbwyt.

*Dim. Code*, Bk. II, c. 19, § 7:

Deu dawnbwyt adyly y brenhin gaffel y gan y bilaeineit . . . ac velly ytelir ovileintref.

NOTE (86), p. 88.—*Survey of Denbigh*, pp. 232, 275.

NOTE (87), p. 88.—E.g. *Ven. Code*, Bk. II, c. 18, § 5:

Ac wynt a dylyant dwyn kylch . . . ar ueybyon eyllyon y brenhyn.

*Ven. Code*, Bk. II, c. 19, § 6:

Ny dylyir gossot ary maynoleu ryd . . . na cylch . . . namyn . . . y kylch mawr yr teulu. . . .

See also, *inter alia*, *Ven. Code*, Bk. II, c. 27, § 4; *Dim. Code*, Bk. II, c. 12, § 11.

NOTE (88), p. 88.—*Vide Welsh Tribal Law and Custom*, pp. 432–4.

NOTE (89), p. 89.—For summary, see *ibid.*, Vol. I, pp. 305 *et seq.*

NOTE (90), p. 89.—*Ven. Code*, Bk. I, c. 43, § 16; Bk. II, c. 20, § 1; *Dim. Code*, Bk. II, c. 11, § 7; *Gw. Code*, Bk. II, c. 35, § 6.

NOTE (91), p. 89.—*Survey of Denbigh*, pp. 8, 149, 209, and *Welsh Tribal Law and Custom*, Vol. I, pp. 320 *et seq.*



## SOCIAL LIFE AS REFLECTED IN THE LAWS OF HYWEL DDA

WHILE it appears to be possible to accept the tradition of a tenth-century codification of the Laws by Hywel Dda, conclusions based upon a study of any definite aspect of life as reflected in this material must be largely tentative, in the absence of a critical text based, not only upon a wide acquaintance with the history of primitive law, but also upon a rigorous application of the accepted principles of modern philology. Even in the earlier material as it stands, there are traces of extraneous elements of a date both earlier and later than the time of Hywel, as well as of modifications or developments of native practice which, even in the case of a conservative race, would have crept in between the codification and the date of the earlier manuscripts. Certain political theories of which the origin is open to very grave suspicion also colour, most significantly, some of the explanatory or introductory passages.

In what here follows, an attempt is made briefly to sketch the social life reflected in the earlier texts, with occasional reference to some literary sources for the elucidation of bald legal statements. But little use has been made of the later material printed by Aneurin Owen, interesting though it be frequently as a specimen of literary antiquarianism and a taste for terminological display.

The Laws show us that in the social structure of the Kymric people, status, *braint*, was determined by birth, and that the *gwerth* (value), *sarhaed* (honour-price) and *galanas* (blood-fine) of every man was fixed by law according to his class. There were three Free and three Unfree classes. The Free elements consisted of (1) a royal class, made up of the members of families of kingly or princely status; (2) a noble class, variously styled in the Codes *nobiliiores*, *optimates*, *uchelwyr*, *breyryeit*, *gwyrda*,<sup>1</sup> and

<sup>1</sup> Hubert Lewis, *The Ancient Laws of Wales*, London, 1889, p. 2, states that there were no nobles, probably giving the term its ordinary English acceptance, which he seems to do with other terms as well.

(3) a class of innate tribesmen, *boneddigyon kynhwynawl*. The Unfree classes were (1) the *taeogyon* or *eilltyon*, styled *nativi*, *villani*, in the Latin versions ; (2) *caethyon*, menial or domestic slaves ; and (3) *alltudyon*, a class composed of strangers temporarily residing in Kymric territory.

The royal or princely class possessed special and not easily definable rights over certain areas, and legal practice in those areas seems to have varied considerably. The hegemony of the House of Aberffraw appears to have been admitted, for we are told that in the matter of value, *gwerth*, gold was payable only to the King of Aberffraw. That what, following the Latin texts, I have called the Noble class (*uchelwyr*, *gwyrda*, *breyrgeit*) was distinct in status from the class of innate *boneddigyon* is proved by the fact that the blood-fine of an *uchelwr* amounted to 126 kine, whereas that of an innate *bonheddig* was only 63. There is also a statement to the effect that the son of an *uchelwr*, after the attainment of his fourteenth birthday, had the status of a *bonheddig*, 'as he ascends not to the privilege of his father until his father's death.'

An innate *bonheddig* is described as 'a person who as to origin is fully of Wales, both by mother and father.' The heads of households of this class, with those of the *uchelwr* class as well, formed the Free Kymric community. Men of the *alltud* class, though neither free nor unfree in the Kymric sense, were much in the position of the *taeog* or the *kaeth*, but it seems to have been possible for them to attain Kymric status under the following circumstances : (a) through the grant of office from the King ; (b) in the fourth generation through repeated ancestral inter-marriage with Kymric women ; (c) in the ninth generation through uninterrupted residence among a Kymric community ; (d) as the consequence of taking part with any family in avenging the death of a kinsman. In some cases, at least, the oath of an *alltud* was not accepted, and he could not give evidence against a hereditary Kymro. If a Kymric woman were given in marriage to an *alltud*, her honour-price was according to the status of her husband, but her sons might inherit through mother-right, as also the son of a woman of Kymric family openly violated by an *alltud*, and the son of a Kymric woman given by her kin as a hostage to a foreign country, but not the son of a Kymric woman who gave herself to an *alltud*. If *alltudyon* left their lords before the fourth generation, they could not remain in Wales, which

means that no stranger could live in the country except under the protection of a freeman.

The *tæogyon* or *eilltyn*, although they had no tribal privileges, had certain rights and a recognised place on the land. They seem to have been originally settled on the register land or servile *maenols* of the commote.<sup>1</sup> They were denied the right to bear arms and the privilege of horsemanship and hunting, and could not give evidence against a freeman. It has been suggested that at the supposed conquest of Wales by Cunedda and his sons, the vanquished inhabitants were grouped in the areas that afterwards became the bond-maenols of the *kymydeu*<sup>2</sup>—a suggestion supported by the term *nativi* employed in the Latin texts of the Laws. The rise of the *alltud* class was probably later, and, as already shown, members of it had certain privileges not open to the *nativi*.

Thus, not only the general question of status in the community, but also certain rights and obligations within the class, depended upon descent. The division of the Irish family into four sections possessing rights of succession<sup>3</sup> is not found in the Kymric system as known to us, although the liability, in certain matters, of descendants of the fourth, seventh and ninth degree would seem to indicate an earlier arrangement of a more complicated nature. Right of succession, according to Kymric law, was confined to what corresponds to one section of the Irish family, that called *gelfine*. This section was in Kymric called *gwely*<sup>4</sup> and the collective property called *tir gwelyawc*. It consisted of father, sons, grandsons and great-grandsons. At the death of the father the succession was divided between his sons. When all the sons were dead, there was a second division between

<sup>1</sup> Rhys and Jones, *The Welsh People*, p. 215.      <sup>2</sup> *Ibid.*, p. 215.

<sup>3</sup> D'Arbois de Jubainville, *La Famille Celtique*, pp. 1-25.

<sup>4</sup> Dealing with the Irish term *comlebad* 'common bed,' D'Arbois de Jubainville writes, *Fam. Celt.*, p. 50 : 'On pourrait conclure qu'en Irlande, à une époque reculée, la communauté des femmes entre frères a existé d'une façon générale, comme, suivant Jules César, elle se pratiquait en Grande-Bretagne au 1<sup>er</sup> siècle avant notre ère. Cela ferait comprendre comment en droit gallois le mot *gwely*, dont le sens propre est "lit," est arrivé à signifier "famille," pourquoi la légende irlandaise nous montre Clothru épouse simultanée de ses trois frères, et par là, mère de Lugaid, roi suprême d'Irlande, qui a trois pères dans le cycle épique de Conchobar et de Cuchulainn.' But see a highly original and significant contribution on this subject by Tomás Ó Máille, entitled 'Medb Chruachna,' *Z.C.P.*, XVII, 1-2.

the grandsons, and a third, at the death of the last of the grandsons, between the great-grandsons. This third division, with one possible exception, was final. With the disappearance of the third generation, the *gwely* ceased to exist, the family possession was considered vacant, and became the property of the King. The exception to this rule was operative in the case of a man who had been banished for some crime, or, having committed a murder, had quitted the country to avoid the vengeance of the relatives of the murdered person. The descendants of such a man, down to the ninth generation, had the privilege of reclaiming the property of their dispossessed ancestor. Such a claimant had the right to make a plaint which was called *diaspat uch annwryn* or *diaspat uch advan*, terms of uncertain origin. Thus, a larger sense, the Kymric family included the descendants of a common ancestor to the ninth degree.<sup>1</sup>

According to a number of statements, some of them of doubtful antiquity, found here and there in the legal material, the *pen-kenedl* was to be the eldest of the efficient men of the kindred, not an officer of the king, but an *uchelwr* of the country, whose status was not acquired by maternity. He paid a yearly tribute to the lord or higher chieftain; was entitled to a payment, seemingly *amobr*, from each man who took in marriage a woman related to him, and a sum from every youth formally received into kindred rights. He was assisted by three officers who represented the kindred in various matters, and for some purposes by a council of elders.<sup>2</sup> No conclusions with regard to the original authority of the *pen-kenedl* can pretend to be final in the absence of a critical text of the Laws. One writer claims that, whatever powers the head of a family or of a joint-family originally possessed, he seems to have retained little of them according to the Laws.<sup>3</sup> This seems to me to be the case, but the liability of the *kenedl* for crimes committed by any member thereof, itself of early social origin and having far-reaching social consequences, remains important in the texts. The rather complicated rules with regard to blood-relation and liability need not be entered into here.<sup>4</sup> The laws as we possess them seem already to reflect a period when the tribal

<sup>1</sup> De Jubainville, *La Famille Celtique*, p. 34.

<sup>2</sup> Rhys and Jones, *The Welsh People*, p. 193.

<sup>3</sup> Hubert Lewis, *Ancient Laws of Wales*, London, 1889.

<sup>4</sup> See a full discussion of the subject in *Welsh Tribal Law and Custom*, T. P. Ellis. Oxford, 1926.

instinct was tending to lose some of its primitive force, although there are even yet in the more thoroughly Kymric districts undoubted instances of the survival of tribal solidarity.

In the tenth century and earlier, Wales must have been a thinly populated country, with many forests and extensive wastes. Giraldus Cambrensis, writing in the twelfth century, describes the inhabitants as a people who loved solitary places, lived in very simple structures, and had neither orchards nor gardens, but whose life, nevertheless, was by no means lacking in social grace.<sup>1</sup> The circumstances, if anything, would have been more favourable in the time of Hywel, for the native system was yet developing its own forms without serious interference from the outside. In the undisturbed glens and highlands of Wales to this day, social intercourse conserves many of the characteristics mentioned by Giraldus.

If we may rely upon the measurements given in the laws, the homestead, *tyddyn*, was somewhat less than four acres in extent. A *tref* consisted of 256 acres, and a hundred of these divisions formed a *cantref*, the largest division in a lordship or dominion. There were other divisions, but the most important socially was the *kymwd*, which seems to have been the effective unit of government as well.<sup>2</sup> That all these divisions were invariably of an equal size is impossible. The *kymwd*, whatever its extent may have been, contained demesne and waste lands possessed by the King, or a lord under him, and land occupied by the King's officers. On the family lands, *tir gwelyawc*, dwelt the free classes, *uchelwyr* and *boneddigyon*, and the *eilltyon* occupied the register land, *tir kyvriſ*. From all of these lands, the King was entitled to certain dues and services. Ceremonial and legal courts of the *cantref* were held. At the latter, freeholding heads of households seem to have been at one time judges of law and fact,<sup>3</sup> but it is clear that other practices developed later, into which we need not enter here.

Having thus attempted to sketch the organisation and the extent of the community, we can proceed to examine the legal material in greater detail.

<sup>1</sup> Descriptio Cambriæ, c. 17.

<sup>2</sup> Upon (the *Kymwd*) was built a fabric of government which, had it been allowed to develop, would, in all probability, have furnished Wales with an indigenous type of government, suited at the time to her needs, and capable of expansion as time went on.—T. P. Ellis, in *The Welsh Outlook*, Nov., 1927.

<sup>3</sup> Hubert Lewis, *Ancient Laws of Wales*.

The evidence afforded by the Laws of the general character of the social life of a community, or a collection of communities, of the type indicated is to be obtained in its full significance by a minute study, not only of the more distinctively social aspects of human relations, but also of the meaning of terms and the implications of occasional details found scattered throughout the texts. A complete treatment of the subject would be impossible within the limits of a contribution of this type, but an effort is made in the ensuing analysis to bring together and to state consecutively the most important conclusions with regard to (a) life in the royal court ; (b) laws with reference to the position of women, marriage and family relations ; (c) other community relations and customs.

When out riding, the King was accompanied by thirty-six men on horseback, including his twenty-four officers and twelve guests, besides his servants and minstrels and his dependents.<sup>1</sup> It is not clear who these dependents were—they are called *pauperes* in the Latin texts, *anghenogyon* in the Venedotian Code, *ychenogyon* in the Gwent and *rheidusson* in the Dyved versions—an interesting suggestion of speech diversity which cannot, however, be called dialectal. The twenty-four officers of the Court were the Chief of the Household, the Priest of the Household, the Steward, Chief Falconer, Judge of the Court, Chief Groom, Page of the Chamber, Bard of the Household, Silentiary, Chief Huntsman, Mead-brewer, Leech, Butler, Door-ward, Cook and Candle-bearer, together with the following officers of the Queen : Steward, Priest, Chief Groom, Page of the Chamber, Handmaid, Door-ward, Cook and Candle-bearer.

In common with all persons, from the King down, the *gwerth*, *sarhaed* and *galanas* of each of these officers was fixed by law. *Gwerth* seems to have been an indication of a person's state or condition. *Sarhaed*, literally insult, also meant the fine payable for insult. *Galanas*, blood-fine, means the amount of retribution for murder, assessable upon the criminal and his kindred. *Sarhaed* and *galanas* were computed according to a person's *gwerth*, that is to say, his social status, *braint*. *Ebediw* was also paid to the superior lord in most cases by the heir of a defunct vassal,

<sup>1</sup> Aneurin Owen, *Ancient Laws and Institutes of Wales*, fo. edn., Bk. I, cap. IV, p. 4.

but if the deceased in his lifetime had paid an investiture fee, the successor was absolved from paying *ebediw*.

Of these officers, ten sat with the King in the upper portion of the royal Hall, and four in the lower portion. Each of them had his land free, with a horse in readiness. The Chief of the Household, like the Edling, that is, the heir apparent, was to be a son or a nephew of the King, but the Edling was not counted an officer. The privileges of the Chief of the Household were many, and included portions of certain fines paid for offences, garments from the King, horses, dogs, hawks and arms, portions of payments accruing from certain law-suits, payments by members of the household on attaining certain rights, and a progress assigned by the King.

Three times in the year—at Christmas, Easter and Whitsuntide—the twenty-four officers were to receive their cloth from the King and their linen from the Queen. They were provided with horses and enjoyed other privileges, such as the temporary protection of persons charged with offences (a provision probably due to a social necessity, calculated to avoid unregulated violence through the discipline of enforced delays); special provision of food and drink in the King's mess; portions of certain fines and payments from persons on the assumption of office; free services in some cases by the Court Physician and Smith; a periodical progress among the King's villeins; the discarded clothes of superior officers at stated times. Some of the regulations and customs indicated have a basis of courtesy, others seem to be the perpetuation as customs of primitive methods of deciding priority of claims,<sup>1</sup> or even of some curious associations in early belief.<sup>2</sup> Other officers of the Court by custom and usage were the Groom of the Rein, Foot-holder, Land Maer, Apparitor, Porter, Watchman, Woodman, Baking-woman, Smith, Chief of Song, and Laundress, all of whom had many privileges and perquisites.

Of the King's Court, *llys*, and household, *teulu*, the Laws give us a fairly complete picture, in spite of some disagreements between the various texts. In the assessment of the value of various structures, we read that the King's Hall had six columns

<sup>1</sup> When swine were being brought through the outer portal, the Porter was entitled to a sow which he could lift by the bristles with one hand, the other hand resting on the door-post, so that its feet were as high as his own knees.—*Anc. Laws*, I, c. XXXVI, p. 32.

<sup>2</sup> The watchman is said to have been entitled to the eyes of animals slaughtered for the kitchen.—*Anc. Laws*, I, c. XXXVIII, p. 33.

with ties to support the roof, and that beams, rafters, spars, poles, rods and rails were used in its construction.<sup>1</sup> From other references, we gather that the walls were made of wattle and the roof of thatch and turf. The columns were probably placed in two parallel rows, so that the intervening space formed the body of the hall. The space between the columns and an outer wall provided sleeping apartments and possibly other rooms. Penthouses, *godei*, are also mentioned.<sup>2</sup> The hall itself is said to have been divided into an upper and a lower portion, called *uch korf* and *is korf*. It is generally supposed that the floor of *uch korf* was raised above the level of that of *is korf*. From the details given as to the disposition of the seats in both portions, we gather that two screens, *kelvi*, marked the division of the hall, one on each side, and that the fire was in the middle of an open space between the ends of the screens. The only suggestion of the shape of the fire-place is the use of the term *pentan*, which Aneurin Owen renders 'back-stone,'<sup>3</sup> others suggesting 'hearth-stone.' The modern meaning of *pentan* suggests there may have been side-stones as well. Two other terms, not easily understood, are employed in the texts—*uch kyntedd* and *is kyntedd*. Some expressions in the legal material seem to suggest that *uch kyntedd* and *is kyntedd* were alternative terms for *uch korf* and *is korf*. Aneurin Owen, whose views certainly deserve respect and consideration, taking *kyntedd* to mean a porch, surmises that there was 'an entrance which admitted of a passage through the side wall to that part where the screens and the fire-place divided the hall into two portions; consequently, offences committed 'below the entrance' occurred in that part where the Chief of the Household was assigned a place; 'above the entrance' was the station occupied by the King and his principal officers.'<sup>4</sup> That there should have been an entrance of any kind just behind the King's seat does not seem probable, so that it is doubtful whether the screens, as suggested by Rhys and Jones,<sup>5</sup> extended from each middle pillar to the side walls, thus dividing the hall

<sup>1</sup> *Anc. Laws*, III, c. XXI, p. 143.

<sup>2</sup> *Ibid.*, III, c. XXI, p. 142.

<sup>3</sup> 'The fire being upon the hearth, a large and durable stone was selected for that purpose, and a similar one for a back-stone, which generally would outlast the destruction of a fragile building, and being pointed out, would be proof that a claimant's ancestor had resided there.'—*Myvyrian Archæology of Wales*, 2nd edn., p. 1068.

<sup>4</sup> *Anc. Laws*, note, p. 6.

<sup>5</sup> *The Welsh People*, p. 200.

crosswise, yet the details given of the disposition of the seats seem to indicate that the screens were not placed lengthwise.<sup>1</sup> There is also a reference to a gable entrance, *talddrws*, leading into the portion called *is korf*. If the *kyntedd* formed a side entrance, a lengthwise division into two portions would appear to have been necessitated, but this again seems to be rendered impossible by the disposition of seats both in *uch korf* and *is korf*. Davies gives *cyntedd*: *atrium*,<sup>2</sup> which is more or less the modern meaning. In a Latin version we have: *in anteriori parte aule, id est, huc [= uch] kyntet*.<sup>3</sup> Davies gives *corf*: *truncus corporis*,<sup>4</sup> and its general use in literary texts is such that it cannot have been properly employed to designate a screen. We are therefore led to conclude that whatever was the exact meaning of *korf*, the term used in this material for screen is *kelvi*. Wherever it may have been situated, *kyntedd* must have meant either a porch or a kind of room from which one entered the *neuadd*, and the term cannot possibly be the equivalent of *korf* or of *kelvi*. It appears to be highly probable that the terms in the texts as we know them have been confused.

The Venedotian Code provides the following detailed statement of the order of precedence in the King's household:

'There are fourteen persons who sit on chairs in the court, four of them below the screen and ten above the screen. The first is the King; he is to sit next to the screen; next to him the Chancellor; then the Guest [this, of course, could mean a number of guests]; then the Edling; then the Chief Falconer; the Foot-holder on the side opposite the King's dish, and the Leech at the base of the pillar opposite to him on the other side of the fire. Next to the other screen the Household Priest, ready to bless the food and chaunt the *Pater*; the Silentiary, who is to strike the pillar above his head; next to him the Court Judge; next to him the Chaired Bard; the Court Smith on the end of the bench below the Priest. The Chief of the Household is to sit in the lower end of the Hall with his left hand to the front door,<sup>5</sup> and those he may choose of the Household with him, and the rest on the other side of the door. The Household Bard is

<sup>1</sup> *Anc. Laws*, I, c. VI, p. 5.

<sup>2</sup> John Davies, *Antiquae Linguae Britannicae Dictionarium Duplex* . . . 1632.

<sup>3</sup> *Anc. Laws, Leg. Wall.*, I, c. X, 774. <sup>4</sup> *Dict. Duplex*.

<sup>5</sup> *Talddrws* is rendered 'front door' by Aneurin Owen, in spite of the statement in the note already quoted that the *kyntedd* was a side entrance. It may be added that in several compounds *tal* has the meaning of chief, principal.

to sit on one hand of the Chief of the Household ; the Chief Groom next to the King, separated from him by the screen ; and the Chief Huntsman next to the Priest of the Household, separated from him by the screen.’<sup>1</sup>

This statement leaves us in some uncertainty as to the places occupied by the Foot-holder and the Leech, but other references show they were to sit at the foot of the middle columns, almost in front of the King and the Household Priest.

It must be added that the Latin versions do not agree as to the places of officers in the hall.<sup>2</sup>

It will be observed that in this order of precedence there is no mention of the Queen and other ladies of the Court. Rhys and Jones infer from this fact that the order has reference, not to the ordinary life of the establishment, but to the formal occasion of some ceremonial court, such as the three principal festivals, or other similar assemblies.<sup>3</sup> There is at least some evidence which would seem to suggest the contrary. For instance, there are occasional particulars given of the privilege of certain officers of the Court which were in force only on state occasions. It is also stated that at the request of the Queen, the Household Bard might sing ‘in a low voice, so that the Hall may not be disturbed by him.’ The Latin texts explain that this entertainment of the Queen took place in her own room,<sup>4</sup> of the situation of which we are not informed. It is further stated that the Queen’s Priest had to bless the food and drink brought into the Queen’s room<sup>5</sup> ; that the Queen’s Door-ward was to bring mead to the Queen when there was mead-drinking in the Hall<sup>6</sup> ; and that the duties of the Queen’s Page of the Chamber lay ‘between the Hall and the Chamber.’<sup>7</sup> A statement that the Page was to serve the Queen’s food and drink ‘except at the three principal festivals,’<sup>8</sup>

<sup>1</sup> *Anc. Laws*, I, c. VI, p. 5.

<sup>2</sup> For instance: ‘De iure et dignitate *gwrthrych* [heredis]. Locus eius in aule est in opposito regis ultra ignem. Inter heredem et columpnam primo loco iudex habet sedem ; secundo *offeyrat teulu* ; ex altera parte heredis *penkerd* patrie ; post hunc in illa parte nemo potest sibi debitum vindicare locum.’—*Leg. Wall.*, I, c. V, p. 772.

<sup>3</sup> *The Welsh People*, pp. 201–2.

<sup>4</sup> ‘Cum regina uoluerit in sua camera audire carmina, poeta familie . . . debet ei cantare, et hoc uoce moderata et sine clamore, ne aula disturbetur.’—*Anc. Laws, Leg. Wall.*, I, c. XXIII, p. 779.

<sup>5</sup> *Anc. Laws*, I, c. XXIV, p. 25.

<sup>6</sup> *Ibid.*, I, c. XXVIII, p. 27.

<sup>7</sup> *Ibid.*, I, c. XXVI, p. 26.

<sup>8</sup> *Ibid.*, I, c. XXVI, p. 26.

seems to imply that upon those occasions the Queen might dine with the King. The Queen also had her own Cook, who was to taste all dishes prepared by him.<sup>1</sup>

The following customs observed at table are also mentioned : The Candle-bearer was to hold a candle for the King whilst he was dining, and to precede him with a light when he retired. The Cook was to taste each course brought to the table, and at the serving of the last course was to be presented with food and drink by the King. Whilst the Household was dining and afterwards drinking, the Apparitor was to stand between the two middle pillars with a rod in his hand to guard against the danger of the house being set on fire by accident. He was forbidden to sit in the presence of the King. The Foot-holder's duty was to hold the King's feet in his lap from the time he began to drink until he went to bed, to attend to his bodily comfort and to guard him against all mischance. After the repast was over, the Doorward was to clear the Hall of all persons not entitled to remain.

Some of the more notable directions with regard to procedure on various occasions are as follow : It was the Doorward's duty to make room for the King with a mace, and any person struck with the mace so that he fell at an arm's length had no legal remedy. He was not to sit in the presence of the King, and was to speak to him kneeling. He was to bring all messages from the entrance, *poeth*, to the King, and failure to recognise any Court official entailed a fine.

The character of the entertainment of the Court is to some extent suggested by the Laws. Story-telling is not mentioned, but the singing of songs by the *Penkerdd* and the Household Bard is specified. The term *canu kerdd* (to sing a song) is often used with the meaning of composing, but the Latin expression *cantare* would seem to indicate that songs were sung, probably, as we may gather from other references, to some kind of harp accompaniment. The position of the *Penkerdd*, Musicus Primarius or Princeps Poetarum, at the Court is somewhat uncertain in the texts.<sup>2</sup> The Latin texts do not specify the method of appointing or selecting the *Penkerdd*, but the Gwentian Code states that a bard became a *Penkerdd* after he had won a chair.<sup>3</sup>

<sup>1</sup> *Anc. Laws*, I, c. XXIX, p. 27.

<sup>2</sup> T. Gwynn Jones, *Bardism and Romance*, Cymmrodorion Publications, 1914, pp. 5-6.

<sup>3</sup> *Anc. Laws*, *Gwentian Code*, I, c. XXXVII, p. 331.

They also state that when a contention for a chair occurred it was the privilege of the Judge of the Court to obtain a *corn bual*, a ring and a cushion from the victor.<sup>1</sup> What Aneurin Owen called the Anomalous Laws seem to suggest that a lord could confer the office of *Penkerdd*.<sup>2</sup> It is possible that these details are later additions, but references to bardic contests in the Books of Taliesin and Aneirin, and in the poems of Kynddelw and others suggest that there may have been some system of competition for the honour. Like the Court officers, the *Penkerdd* obtained his land free, and a harp from the King, which was one of the lawful harps and was of equal value with that of the King. He received the *amobr* of the daughters of the bards subject to him.<sup>3</sup> He was also privileged to receive gifts on behalf of women given in marriage.<sup>4</sup> The solicitation of gifts was his sole privilege, and out of the common profits of himself and companions he was entitled to two shares. Other bards might solicit with his permission, but a bard from a neighbouring country might solicit without his permission. He was free from the operation of royal prohibition of solicitation within the King's domains.<sup>5</sup> A disciple upon leaving the *Penkerdd*, was entitled to a harp from him,<sup>6</sup> but the Venedotian Code says that the *Penkerdd* was entitled to a sum of money from his subordinate upon the completion of his training.<sup>7</sup>

The duties of the *Penkerdd* are specified in the Latin and Welsh texts. Whenever the King was pleased to hear a song in the Hall, the *Penkerdd* sang first. Elsewhere, it is stated that he was to sing two songs, one a song to God and the other a song of Kings,<sup>8</sup> the Household Bard afterwards to sing a third, *is korf*.

The Household Bard, upon taking office, was entitled to a harp from the King and a ring from the Queen. At the three principal festivals, the harp was to be placed in his hands by the Chief of the Household. In circuit with other bards, he was entitled to the portion of two men. If he went to petition the

<sup>1</sup> *Dim. Code*, I, c. XIV, p. 179; *Gwent. Code*, I, c. XIII, p. 316.

<sup>2</sup> *Anc. Laws*, IV, c. II, p. 397.

<sup>3</sup> *Penkerdd debet habere mercedes de filiabus poetarum sibi subditorum.*—*Anc. Laws, Leg. Wall.*, c. XXIII, p. 779.

<sup>4</sup> *Anc. Laws, Leg. Wall.*, c. XXIII, p. 779.

<sup>5</sup> *Dim. Code*, I, c. XXV, p. 188; *Gwent. Code*, I, c. XXXVII, p. 331.

<sup>6</sup> *Gwent. Code*, I, c. XXXVII, p. 331.

<sup>7</sup> *Ven. Code*, I, c. XII, p. 35.

<sup>8</sup> *Leg. Wall.*, I, c. XXIII, p. 779.

King for anything, he was required to sing one song, only ; if to a nobleman, three songs ; if to a villein, he was to sing until he became tired.<sup>1</sup> It was his duty to provide the Chief of the Household with a song whenever desired. If present at a raid by the King's followers, he was entitled to a good beast of burden from the spoil, in addition to his portion as a subject. In case of war, he was to sing ' Unbeinaeth Prydein ' before the King's retinue.<sup>2</sup>

Poetry is said to have been one of the three arts which, legally, the son of a villein could not acquire without the consent of his lord. The other two were letters and smithcraft.<sup>3</sup> The term *kerddoryon* is used with the meaning of bards in the sections dealing with the rights of the *Penkerdd*. In the Latin texts the term employed for *kerddoryon* is *joculatores*. Among the gift-horses from the King, for which the Chief Groom was not entitled to receive a perquisite, was the Jester's horse. The reason why the amount was not payable in this case is suggestive of the Jester's profession.<sup>4</sup> The *ioculator* is also called *croesan*. The word is evidently related to the Irish *crossán*, ' a lewd, ribaldrous rhymers, a mimic, jester, buffoon.' <sup>5</sup> The word is also used of the cross-bearers in religious processions, ' who combined with that occupation the profession of singing satirical poems against those who had incurred church censure, and were for any other case obnoxious.' <sup>6</sup> Two Latin texts say that the *Kerddawr*, with the King and Priest, should not be put to death, ' et ideo galanas eis secundum leges non est constitutum.' <sup>7</sup> *Kerddoryon* from other lands were entitled to a progress among the King's villeins whilst expecting their gifts from the King.<sup>8</sup>

<sup>1</sup> Si ad villanum, cantet donec deficiat.—*Leg. Wall.*, I, c. XXII, p. 779.

<sup>2</sup> Et si belli fuerit conflictus, cantare debet quod dicitur Ynbeynayth Predein ante familiam. *Leg. Wall.*, I, c. XXII, p. 779.—*Ven. Code*, I, c. XIV, p. 16, has ' unbeynaet prydyn.' The form *Prydyn* is interesting, but the whole clause is most probably a late interpolation.

<sup>3</sup> Literatura, fabrica ars et poesis.—*Leg. Wall.*, II, c. VIII, p. 785.

<sup>4</sup> Et de illo qui datur ioculatori, quia ioculator debet ligare capistra equi circa testiculos, et sic portare debet extra portam.—*Leg. Wall.*, I, c. XV, p. 777.

<sup>5</sup> Kuno Meyer, *Contributions to Irish Lexicography*, Archiv für Celt., Lex. III Band, 1 Heft.

<sup>6</sup> Todd, *Irish Nennius*, Dublin, 1848, p. 182.

<sup>7</sup> *Leg. Wall.*, II, c. VIII, p. 787.

<sup>8</sup> *Ibid.*, II, c. XIV, p. 791 ; c. XL, p. 839 ; *Dim. Code*, II, c. XI, p. 238.

Of other structures connected with the King's house, there are some details. Reference to the kitchen (*cegin, bwyty*) suggest that it was a separate structure, also containing sleeping accommodation, as the Land Maer and the Baking-woman are said to have been lodged therein. The Chief of the Household was entitled to the largest and most central house in the *tref*, wherein dwelt with him any whom he might wish of the Household.

The Chaplain's house (*ty 'r clochydd, clochydd*, literally bell-man, parish clerk in the modern language, but *domus capellani* in a Latin version) was also a separate structure, wherein also were lodged the King's Priest, the Queen's Priest and the Clerks (*ysgolheigion*, literally 'scholars'). The House Steward's dwelling was the house nearest to the barn, by reason of his duty of distributing fodder for the horses of the household. The Kiln (*odyn*, possibly bakery) is mentioned. It was evidently provided with sleeping apartments, for the Chief Huntsman's lodging was there.

The *tref* seems to have been provided with a bath, for no indemnity was to be paid for the burning of heath in March, for the fire of a smithy and the fire of a bath in a hamlet, provided the smithy and the bath were at a distance of from seven to eight yards from the nearest house.

Other structures which it was the duty of the King's villeins to erect for him were the stable, *treven vechan, cerner*, and *cynordy*.<sup>1</sup> *Treven vechan* is rendered *latrina* in the Latin versions and *cerner* is *hundy*, a dormitory, in one Welsh text. *Cynordy* is rendered *atrium, domus in atrio posita*, by Davies,<sup>2</sup> but in the Latin we read *domus canum, id est, kynordy*.<sup>3</sup> *Hafdy* and *gaeafdy* are also mentioned, probably synonyms of *Hafod*, summer residence, and *Hendref*, winter residence. It seems that in the twelfth century the set of buildings with more or less completeness was duplicated for summer purposes on the higher grazing grounds.<sup>4</sup> An ordinary house is described by Giraldus Cambrensis as having been circular, with the fireplace in the centre, and beds of rushes all round, on which the inmates slept with their feet to the fire. The description reminds one of the hut of the *boutaouer koat* as still found in Brittany, a structure which probably remains much the same as it may have been in this country before the Breton

<sup>1</sup> *Anc. Laws*, I, c. XLIII p. 37.

<sup>2</sup> *Dict. Duplex*.

<sup>3</sup> *Leg. Wall.*, I, c. XVIII, p. 816.

<sup>4</sup> Rhys and Jones, *The Welsh People*, p. 200.

emigration. It would appear, according to these texts, that the houses of the King, the nobles and the *eilltyon* were on the same plan and had six columns. The penthouses of the house of an *aillt* are enumerated—chamber, cowhouse, barn, kiln, sheepcote, pigsty—and he is stated to have possessed a summer and a winter house. All houses were probably frail structures, easily destroyed and particularly liable to damage by fire—hence the regulations, some of them peculiar, with regard to fire. The legal value of each piece of timber used in the construction of a house is given, including the columns, the ties supporting the roof, rafters, beams, poles, rods, rails, weather poles and spars, binders, and springles, doors, door frames and thresholds. Windows are not mentioned. The outer walls and doors were probably of wattle, and the roof of broom and similar shrubs and possibly turf.

It is probable that in the houses of the nobles, the *uchelwyr* and the *boneddigyon*, entertainment was something like that indicated in the references examined above. We have seen that the bards were in the habit of visiting the homes of the *uchelwyr* and even of the *eilltyon*.

Although the position and rights of married women are regulated in detail, unfortunately the Laws do not enable us to gather much information concerning the more distinctively social customs connected with marriage. The statement of the position of daughters after the attainment of the age of twelve seems to involve some uncertainties, possibly due to the fusion of earlier and later practices. Paternal maintenance of a daughter was obligatory up to the age of twelve years, when, it would seem, it might cease, but the daughter's right to movable property<sup>1</sup> or to 'a share in the *da* of the household or of the larger group of kindred to the fourth degree, of which she was a member,'<sup>2</sup> still remained. The statement that after the twelfth birthday 'every woman is to go the way she willeth freely, for she is not to be home-returning,'<sup>3</sup> may perhaps be taken to signify that from her twelfth birthday a girl was legally exempt from paternal correction and restraint, and that she might leave home, but, having left, that she was not entitled to return. Presumably, this freedom to follow her own will meant that she could give

<sup>1</sup> *Anc. Laws*, II, c. XXX, p. 99.

<sup>2</sup> Rhys and Jones, *The Welsh People*, p. 208.

<sup>3</sup> *Anc. Laws*, II, c. I, p. 46, 'Pob gureic adele menet y ford e menno en ryd, cany dele bot en cardecguel.' The exact meaning of the expression *cardecguel* is uncertain.

herself in marriage. The sections dealing with *amobr* include a statement that a woman who disposed of herself was bound herself to pay *amobr*.<sup>1</sup> In spite of this freedom, it would seem that normally the giving of a daughter in marriage involved paternal consent, and that it might rest with the group of kindred to the fourth degree,<sup>2</sup> a custom reflected in the tale of *Kulhwch ac Olwen* and less definitely in the tale of *Branwen*.

The Laws contain no actual description of the marriage ceremony. In some of the early tales the expression used for marriage ('oed i gysgu genthi') seems to suggest a contract held to be consummated by the act of sleeping together. This term is also employed in the Laws in that sense, and from references in the legal material we must infer a ceremony of some kind.<sup>3</sup> No mention is made of the services of a priest, and the place where the contract was made is not specified, in fact, the only reference to ecclesiastical law in the matter of marriage is to the effect that the Law of Hywel was contrary to it:—'The (ecclesiastical) law says again that no son is to obtain the patrimony but the eldest born to the father by the married wife; the Law of Hywel, however, allows it to the youngest son as well as the eldest, and decides that the sin of the father or his illegal act is not to be brought against the son in the matter of patrimony.'<sup>4</sup>

After the delivery of the bride certain formalities were observed and assurances made. The bride's *agweddi* was probably handed over. *Agweddi*, or *gwaddol*, seems to have been a portion delivered to the bridegroom on the morrow of the marriage.<sup>5</sup> If the marriage contract was not broken before the end of seven years, it ceased to be the wife's own portion and became joint property. Another term found in the legal texts is *argy-vreu*, employed with a variety of significations, but which, in this connection, seems to have meant special ornaments, para-

<sup>1</sup> *Anc. Laws*, II, c. I, p. 42.

<sup>2</sup> *Ibid.*, II, c. XV, p. 85.

<sup>3</sup> *Ibid.*, II, c. I, p. 41, 'Keuodi ar enethiauruir.' Outside the legal material, see also the tales of *Kulhwch ac Olwen* and *Branwen*.

<sup>4</sup> *Ibid.*, II, c. XVI, p. 86. This is probably a reference to the custom of concubinage, which continued to be common in Wales, as elsewhere, down to the sixteenth century, the children, in some cases at any rate, being brought up with those of the lawful wife, and the sons inheriting property from their fathers, and their names appearing in the pedigrees.

<sup>5</sup> *Ibid.*, *Dim. Code*, II, c. VIII, p. 223.

phernalia.<sup>1</sup> Another gift, called *cowyll*, was payable by the husband to the wife on the morning after the consummation of the marriage, the amount depending upon the status of the wife's father.<sup>2</sup> Another text states that if a woman failed to specify her *cowyll* before rising from bed in the morning, the *cowyll* was to be thenceforward in common between them.<sup>3</sup> This is seemingly contradicted by another statement giving the fixed amount of the *cowyll* of the daughter of a king, a *gwrda* and an *aillt*.<sup>4</sup> Yet another definition of *cowyll* is that it was the price of virginity.<sup>5</sup> Yet another payment involved was the *amobr*. A general definition of these payments is as follows :—

‘ There are three occasions of shame for a maid : the first is when her father tells her, “ I have given thee to a man ” ; the second when for the first time she goes to her husband's bed ; the third when for the first time, risen from bed, she finds herself among people. For the first shame, her purchase price (*amobr*) is given to her father ; for the second, her *cowyll* is given to herself ; for the third her *agweddi* is given by her father to her husband.’<sup>6</sup>

As D'Arbois de Jubainville points out,<sup>7</sup> the purchase price (*amobr*) among the Welsh was paid, as elsewhere, to the father, or to the other relative who might give the maid in marriage, but the father, or relative, transferred the price to the King, or to the lord who was placed between him and the King. This, according to D'Arbois de Jubainville, means that the payment was the ransom of the right called in Latin *jus primae noctis*, ‘ quoique la loi ne la dise point.’ To all students of folk-custom, this contention will appear to be well-founded, but, as the same notable authority, equally competent as jurist and philologist, points out, the remarkable difference between the Kymric custom and primitive custom elsewhere is that the Kymric custom assimilates the free women to the slaves, *amobr* being payable for women of all classes. It is unnecessary here to follow the matter further, but it may be stated that in some agreements signed by

<sup>1</sup> Rhys and Jones, *The Welsh People*, p. 209 ; D'Arbois de Jubainville, *La Famille Celtique*, p. 58.

<sup>2</sup> *Anc. Laws*, II, c. I, p. 42.

<sup>3</sup> *Ibid.*, II, c. I, p. 47.

<sup>4</sup> *Ibid.*, II, c. I, p. 42.

<sup>5</sup> Esef eu ecouuyll er hyn a kafey am y guerendaut.—*Anc. Laws*, II, c. I, p. 44.

<sup>6</sup> *Anc. Laws, Dim. Code*, II, c. VIII, p. 223.

<sup>7</sup> *La Famille Celtique*, p. 125 *et seq.*

tenant farmers in a part of Denbighshire, say forty years ago, this ransom was mentioned. Whether it has since disappeared the writer does not know. The discrepancies noted above, with others, seem to indicate a fusion of earlier and later usages.

Of the social festivities which, no doubt, accompanied a marriage, the Laws tell us nothing. That *neithiawrwyr* came together and were present wherever the newly married couple may have first slept together is proved by certain statements in the law.<sup>1</sup> If the element *car* in the terms *cargychwyn* and *carddychwel* can be taken to mean a vehicle, we might imagine a ceremonial departure from the bride's home, with the goods handed over to the young couple for the setting up of the new household.

It is fairly clear that the marriage bond was loose, as it was also in Ireland.<sup>2</sup> Generally in the law the term *gureic* is used of an unmarried as well as a married woman, but we have also the terms *gureic briaut* and *gureic bwys*. The exact term for a married woman is still *gwraig briod*. In the law *gureic bwys* is mentioned as having one right not possessed by other wives—'no wife in the world is to have a share of the corn but an espoused one.'<sup>3</sup> The difference between *gureic bwys* and any other wife is not explained. The expression *pwys* occurs in significant context in a mid-fourteenth century literary text, rendering *sponsus*, *sponsa*.<sup>4</sup> The form *pwys* cannot regularly be derived from the Latin. One wonders whether its occurrence denotes a difference that came to be recognised between an earlier, comparatively loose union and a later, more formal contract with ecclesiastical sanction. There are certainly in these laws indications of a considerable diversity in custom. A regular marriage was that

<sup>1</sup> *Anc. Laws*, II, c. I, p. 41.

<sup>2</sup> De Jubainville, *La Famille Celtique*, p. 179.

<sup>3</sup> So rendered, somewhat literally, by Aneurin Owen—'ni dyly gwraig yn y byd cafael dim or yd onid gwraig pwys.'—*Anc. Laws*, II, c. I, p. 40.

<sup>4</sup> 'Pa delw ygwneir ygkylch yrei auo meirw?—Megys ydaw gwr pwys ac anneiryf luossogrwydd varchogyonn gantaw yn erbyn y wreic pwys ac dwyn gantaw gan ganueu allewenyd, velle . . . ydaw yr angel keittwat a llawer o englyon ygyt ac ef ydwyn eneit *gureic pwys* Krist o garchar y corff gann gywydolyaetheu acherdeu a diruawr oleuni ac arogleu hynaws ylys nef.'—*Hist. Lucidar, Llyvyr Agkyr Llandewivrevi* (Oxford, 1894). In the Latin original we read: ' . . . sicut sponsus cum multitudine militum ad suscipiendam sponsam venit, etc.,' *ibid.*, p. 210. On p. 88 we also find 'yr eglwys gatholic lan, yr hon ysyd wreic bwys briaut y vnmab duw dat.'

in which the bride was given by her father or some other member of the family, possibly with the assent of kindred, but what the law describes as 'clandestine' unions seem to have been numerous and even recognised. Separation after sleeping together for three nights is mentioned.<sup>1</sup> Marriage contracts for one year, which could be broken or renewed, were known in Ireland.<sup>2</sup> Provision for what looks like consummation or final separation in the seventh year under the Kymric system seems to suggest that a similar practice once existed in Wales.<sup>3</sup> The wife had a greater degree of freedom than allowed by ecclesiastical law or by modern common law. Separation was easy and might occur, not only as the result of the misconduct of either party, but also by agreement. The following curious enactment seems to imply that after separation the relationship was finally broken by the subsequent marriage of one of the parties to another person :—

'If the husband take another wife after he shall have parted from the first, the first is free. If a man be parted from his wife, and if she be of a mind to take another husband, and if it should happen that the first husband repent having parted from her, and should he overtake her with one foot in the bed and the other outside the bed, then the prior husband is to have the woman.'<sup>4</sup>

The division of property in case of separation is minutely set out, but depends upon the period of anterior cohabitation. Of the children the division followed the principle that the father got twice the number that went to the mother, the elder and younger of the offspring going to the father and the intervening child or children to the mother. In the case of there being only one child, or a number not divisible according to the principle stated above, male priority would probably operate in favour of the father.

Rules with regard to the relations of the sexes are numerous, and certain prescribed tests of impotence and of chastity,<sup>5</sup> apparently

<sup>1</sup> *Anc. Laws*, II, c. I, p. 42.

<sup>2</sup> The social history of some Welsh communities down to modern times shows instances of temporary cohabitation followed by marriage or separation, with no subsequent detriment to the woman in case of separation. Many curious customs connected with marriage of undoubted antiquity are also attested.

<sup>3</sup> *Ac os duc ar ty ac anloet æ bod ekyd ac ef hyt empen seyth blenet, rannu a hi megis a gureyc a rodyeyt ydhy.*—*Anc. Laws*, II, c. I, p. 42.

<sup>4</sup> *Anc. Laws*, II, c. I, p. 40.

<sup>5</sup> *Ibid.*, II, c. I, pp. 47–8.

to be made in case of demand immediately after the conclusion of the marriage, and in the presence of the *neithiawrwyr*, guests, undoubtedly go back to more primitive times, but even such provisions do not necessarily indicate a depravity comparable to that reflected in many modern novels and plays.

The case of women deceived or taken by force seems to have been fairly provided for. Illegitimate children were affiliated by legal process, described as occurring in church, and the father was responsible for the nurture of the child till the age of twelve or fourteen years. A woman taken without consent of kindred could be carried away from the man by her lord and kindred, unless she herself wished to remain. The prostitute, distinct from the concubine, had no privilege, but her *sarhaed* and *galanas* were to be paid according to the privilege of a brother.

The birth of a child seems to have been the occasion of certain ceremonial practices. A male child was received as of kin by the father, the mother, it would appear, making a formal declaration of his paternity. In the case of the decease of the father, the child could be received by the *pen-kenedl*, with seven good men of the kindred. The *pen-kenedl* was to take the hands of the child in his own and to kiss him, a kiss being a sign of kinship. He was then to place the right hand of the child in the hand of the eldest of the others, and so from hand to hand to the last man. In default of a *pen-kenedl*, the ceremony could be observed by twenty-one good men of the kindred, one of them, being the lord, taking the place of the *pen-kenedl*. The details given with regard to the upbringing of the son of a *bonheddig* are curious, suggesting as they do a division of responsibility and a standardisation of expenditure as between father and mother. The child was to be nursed by the mother for three months which, with the period of pregnancy, was to be reckoned as one year for her. The father was then to provide for him, giving a sheep with fleece and lamb, a caul of tallow or in default one penny; an iron pan, or the sum of four lawful pence; wheat, barley, and oats; a milch cow, with its calf; white or parti-coloured cloth, and fuel. 'If the mother will,' it is added, 'she shall have the whole; if she do not will, let it be given to another.'<sup>1</sup> The meaning of the last sentence seems to be that if the mother did not wish to continue to nurse the child, he was to be entrusted to a foster-mother.

<sup>1</sup> *Anc. Laws, Dim. Code*, II, c. XVIII, pp. 253-4. The text is evidently corrupt, as it mentions wheat and fuel twice.

Until he attained the age of fourteen years, the son of a free-man was maintained by his father. He was then taken by his father and commended to his lord (at an earlier stage, probably to the *pen-kenedl*), who granted him the privilege of an innate tribesman, *bonheddig*. As the result of this ceremony the youth became capable of possessing property and liable to answer claims made upon him, and was thenceforth maintained by the chief or lord. Cattle were probably given him, and a share of the free land of the kindred, and he became liable to military service. The son of an *uchelwr* only attained the status of an *uchelwr* himself on the death of his father.

Fosterage was practised, but the information contained in the law as to its conditions and working is meagre. The Codes state that if a noble placed his son in fosterage with the *aillt* of a lord by the permission or sufferance of that lord for a year and a day, then the noble's son would become entitled to a son's share of the land of the *aillt*, and ultimately of his property.<sup>1</sup> Rhys and Jones suggest that the character of the marriage contract and the division of the children on separation of husband and wife afford some explanation of the custom.<sup>2</sup> Seeböhm, on the other hand, takes it to have been 'one of several means used for the purpose of tying strangers as closely as possible to the tribe.'<sup>3</sup> Giraldus Cambrensis' statement that in his time the sons of the nobles formed more sincere friendships with their foster-brothers than among themselves<sup>4</sup> would, no doubt, be true of earlier times.<sup>5</sup>

Of the training of children, whether fostered or brought up at home, the Laws do not speak. References in the poems of later bards enable us to gather that there was definite training of youths, not only in physical exercise and the use of arms, but also in polite habits.

The life reflected in the Laws is that of a settled community living by the cultivation of the land, the keeping of sheep, goats and cattle, the hunting of wild swine and other animals, and fishing. They seem to have grown barley, oats, wheat and rye.

<sup>1</sup> *Anc. Laws*, II, c. XX, p. 95; *Dim. and Gwent. Codes*, pp. 266 and 374.

<sup>2</sup> *The Welsh People*, p. 207.

<sup>3</sup> *The Tribal System in Wales*, p. 128.

<sup>4</sup> *Descr. Cambr.*, II, cc. 4, 9.

<sup>5</sup> The later history of fosterage in Wales, which continued down to the eighteenth century, with a variety of new motives, deserves to be studied.

The land was cultivated and the crops sown in the spring, the wheat grown being most probably a spring-sown crop. Landed property suits were heard from the ninth of November to the ninth of February and from the ninth of May to the ninth of August. In spring and autumn the Courts were closed because of the cultivation of land and of harvest. A well-regulated system of co-tillage existed, and there were other forms of co-operation. It does not appear that fields were generally enclosed, with the exception of gardens. Trespass by animals, therefore, in spite of watching and guarding, must have been a matter of common occurrence, and this is amply reflected in the enactments with regard to compensation for damage to crops. Disagreement with regard to pledges and warranties led to occasional fighting, for we read that in case of fighting the surety was to take the first blow with a stick. We may gather that the services of the mediciner were most frequently required for the dressing of wounds.

A statement of the duties of the Chief Huntsman gives many interesting details. From Christmas until February he was to be with the King whenever desired. In the second week of February he was to take his dogs and horns and leashes, his horn to be of the value of one pound, and to go to hunt the hinds. From that day until midsummer, he was to be hunting the hinds, and during that time he was not obliged to answer any claim made against him unless it be by a fellow-officer. Some said that he was to swear only by his horn and leashes. He was entitled to the hide of an ox in winter to make leashes and a cow-hide in summer to make footgear. On the day following midsummer he was to start hunting stags, and if he were not caught before quitting his bed and putting on his buskins, he was not obliged to answer any claim made against him. From that day to the kalends of winter the harts were in season, and there were twelve lawful pieces in each animal. He was then to hunt the wild swine until the first day of December. Having paid each of his assistants, he could be called upon to answer claims against himself. He then divided the skins between the King, the huntsmen and himself, and afterwards showed his dogs, horns and leashes to the King. A progress granted him among the King's villeins followed, extending until Christmas Day, when he was to be back in his place at the Court.<sup>1</sup>

<sup>1</sup> *Anc. Laws*, I, c. XVI, pp. 17-18.

From other sources, from traditions and from customs still observed in some districts, we know that the important days of the Kymric year were *Calan Gaeaf*, *Calan Ionawr* and *Calan Mai*. These, of course, are mentioned in the Laws, but there are no references to the proceedings connected with the observation of those seasons—the undubitable evidence of ecclesiastical influence in this material is that the only festivals named are Christmas, Easter and Whitsuntide, which are called the ‘three principal festivals,’ together with the feast days of Saints Bridget, Curig, John, and Michael.

Reference to anything resembling a public gathering, outside purely judicial occasions, are rare in the texts. Progresses by the King and his followers, by the Queen and her maids and pages, and by the King’s officers, were common, but are not described in any detail, with the exception of the progress assigned to the Chief of the Household by the King after Christmas. In this progress, which partly illustrates some of the social aspects of Court life, the Chief of the Household was allowed to take members of the Household with him, in three parties, the elder, the middle and the younger party. He was to be with each in turn, and each party had the choice of the house at which to stay. During the progress the Chief of the Household was to have servants with him, including a door-ward, a cook and table attendants. The servants were to have the skins of the animals slaughtered during the progress. These progresses seem to have been of the nature of a holiday for the officers who were allowed to make them. As we have seen, there is evidence that the bards visited the houses of the *boneddigyon* and the *eilltyon*, and jesters, *croesanyeit*, probably entertained the inmates. It is likely that the *noswaith lawen* of later times was a traditional practice of long standing, and that story-telling and contentions were customary—it is, indeed, extremely probable that the early elements forming the basis of tales like the *Four Branches of the Mabinogi* and *Kulhwch ac Olwen* were preserved among the *aillt* class of Goidelic origin.

There were two chief meals, one in the morning, *borevwyd*, the other probably in the evening, *cwynos*. The evening meal, at least in the King’s Hall, included a variety of courses. The animals mentioned as being slaughtered for the use of the kitchen are cattle, stags, hinds, sheep, swine and certain small animals not specified. The number and value of lawful or

customary joints or pieces of meat was standardised—a stag in season was divided into twelve pieces. Geese and hens are mentioned, also the bittern, crane, heron, and of course the hawk, but all of these were not for the table. Grayling and salmon are the only fish named. There is a reference to vegetables, but no detail beyond the mention of the leek. Wheat, barley and rye bread seems to have been made, as well as bread of mixed meal, *bara amydl* (a term still employed in North Wales), and oatcake. Of fruit-bearing trees there are references to the apple-tree, the crab-tree, the hazel and the oak. Drinks mentioned are *bragawd*, *kwryf* (beer), *llyn glas* (possibly newly made mead) and *medd* (mead). It would appear that mead was the favourite drink, for the mead-brewer was an officer of the Household, and the strength of the mead seems to have been above that of the others—‘the lawful measure of liquor is the fill of the customary vessels of ale, their half of bragot and their third of mead.’ Mead does not seem to have been served at all feasts. The first draught of liquor brought into the Hall is called *ceinion*.

The metals mentioned are gold, silver, brass and iron. Articles of value in gold and silver are referred to, but gold was evidently scarce, for it is stated that it was payable only to the King of Aberffraw, but his *sarhaed* is said to have included ‘a rod of gold equal in length to the King himself and as thick as his little finger, and a plate of gold as broad as the King’s face and as thick as the nail of a ploughman who has been a ploughman for seven years.’<sup>1</sup> Among the King’s treasures were rings and other ornaments, bowls and horns, a harp and tuning key. The Queen’s treasures are also referred to. Throw-boards or chess-boards are mentioned, which might be made of *askwrn morvil* (a kind of ivory), of the horn of a hart or an ox, or of wood. Other valuables were *breichrwy*, armlet; *crib*, comb; *drych*, mirror. Gilt, silvered and lacquered bridles, and spurs are named, blue-enamelled and gold-enamelled shields, gold-enamelled saddles (*calchlassar*, *eurgalch*), cuirasses, *llurygeu*, and helmets, *penffestin*; swords with white and dark-enamelled hafts, *guynseit*, *gurmseit*, bows and arrows, battle-axes and lances.

Implements and utensils necessary for the pursuit of agriculture were numerous, made mostly of wood, but also of iron and brass. The value of each implement and utensil was fixed

<sup>1</sup> *Anc. Laws*, II, c. II, p. 3; *Leg. Wall.*, I, c. II, p. 772.

by law, and the names of articles included in the text number about 250. Pails, crucks and other vessels were made of yew and willow, some of staves, some of single pieces ; ropes of horse-hair or of the bark of the elm. The great importance of smith-craft is certainly striking, when we consider that the art of the carpenter must have been equally necessary for the labours of the community.

Cloth and linen for the making of garments were given to each officer by the King and Queen. Other materials are not mentioned. The value of the following garments and articles was fixed by law :—*crys*, a shift, shirt ; *pais*, coat, tunic ; *llawdr*, trousers ; *hosaneu*, hose ; *mantell*, mantle ; *brychan*, plaid, blanket ; a gold-embroidered robe, leather gauntlets, shoes, buskins, and *capaneu glaw*, ‘cappa pluvie.’ Town-made caps and mantles are mentioned, but it is certain that clothes were mostly home-made, though the text affords no information of the makers. Men evidently wore trousers, some kind of coats and mantles, and the *eilltton* and *taeogyon* used rugs. Skins probably were extensively used as coverings. Although foot-gear of more than one type seem to have been worn, a statement concerning ‘conspicuous scars’ for the causing of which fines were fixed, suggests that most persons generally went barefooted—the scars are defined as being on the face, the foot and the hand, other scars being referred to as ‘unexposed scars.’ It is, of course, very probable that in such matters the texts contain additions later than the time of Hywel, although Giraldus Cambrensis mentions the habit of going barefooted as being common in his time.

From a statement of the protection privilege of the Page of the Chamber,<sup>1</sup> we gather that the King’s bed was made of fresh straw, probably covered with a sheet, *llenlliein*, and then a blanket, *brychan*. This reminds one of the description given by Giraldus of the beds in his time.

It has been pointed out that the importance of the three principal festivals in the texts is evidence of ecclesiastical influence. On the other hand, the difference between the law of Hywel and ecclesiastical law with regard to the rights of illegitimate sons is certainly notable. The importance of the Household Priest is indicated by the statement that a bishop could not present

<sup>1</sup> *Y naud eu or pan hel un ykeysyau beye guelt adan ebrenyn*, etc.—*Anc. Laws*, I, c. XIII, p. 15.

anyone to the King's chapels without his consent.<sup>1</sup> On the other hand, the bishop is said to have been the King's confessor (*periglawr*), to whom the King was to rise and after whom he was to sit, also holding his sleeves whilst he washed himself. Under certain circumstances, right of sanctuary by the Church was denied,<sup>2</sup> but there were fines for trespasses against a metropolitan church, any other church, an abbot and other clergy. The Household Priest seems to have been the King's scribe, and to have received payment for records of grants of land and other matters of import.<sup>3</sup> Oaths were sworn on relics in the presence of priests. Information against a person whom the informant dared not mention, either on account of his rank or property, was given on oath to a priest, who reported the matter to the lord. In the land courts, the priest prayed to God that he might show the right way, and chanted the pater.<sup>4</sup> Vestments and ornaments of the Church did not go to the King on the death of a bishop.<sup>5</sup> The judgment of a *rhaith* was, in some cases at least, to be delivered in church, and the time of delivery is said to have been 'between the *Benedicamus* and the distribution of the sacramental bread.'<sup>6</sup> Oaths were sworn at the church door, in the chancel and at the altar. Monks, hermits, a clerk or a stranger could not become sureties.<sup>7</sup> All owners of church lands were to attend before a new King to declare their status and duties, and if he found them satisfactory, he was to grant them their right of sanctuary.<sup>8</sup>

The study of Law seems to have been organised, for we are told that a student upon completing his course of study was to be commended by his teacher to a judge of the Court, who was to test his knowledge, and if he found him competent, to commend him in turn to the lord, who invested him with authority to undertake judicial functions.

T. GWYNN JONES.

<sup>1</sup> *Anc. Laws*, I, c. VIII, p. 9.

<sup>3</sup> *Ibid.*, II, c. VIII, p. 9.

<sup>5</sup> *Ibid.*, II, c. XII, p. 82.

<sup>7</sup> *Ibid.*, II, c. VI, p. 62.

<sup>2</sup> *Ibid.*, II, c. X, pp. 66-7.

<sup>4</sup> *Ibid.*, II, c. XI, p. 72.

<sup>6</sup> *Ibid.*, II, c. VI, p. 55.

<sup>8</sup> *Ibid.*, II, c. X, p. 67.

## THE LANGUAGE OF THE LAWS OF HYWEL DDA

[*Abbreviations at end.*]

OWING to the limits imposed, and in view of the mass of material available, the scattered nature of sources of evidence and the consequent difficulty of adequately co-ordinating various views and theories, this paper cannot pretend to be a complete survey of the field. It will have to be largely citatory and referential, especially in the sections dealing generally with texts and dates, and unavoidably scrappy and sketchy in dealing especially with grammatical features.

### A. GENERAL

A brief general account of the Latin and Welsh versions found in MSS. will not be out of place.

There are extant several Latin and Welsh versions or texts of the Laws of Howel.

(i) *Latin versions*: Three Latin versions, one of which is incomplete, have been published in A.L. II, pp. 749–926, with notes on the transcripts in I, pp. xx–xxi. Other Latin versions are referred to in I, pp. xxxiii–xxxiv. According to Rep. W. MSS., the three texts <sup>1</sup> used by A. O. were,—Lat. 1 = Pen. MS. 28, ‘last quarter of the XIIth century’; Latin 2 = B.M. MS. 12 (Vesp. E xi), ‘circa 1250’; Latin 3 = B.M. MS. 28, (Harl. 1796), ‘first half of XIIIth century.’ Latin 1 of A.L., i.e. Pen. MS. 28, is ‘the oldest known copy of Howel’s Laws either in Latin or Welsh’ (Rep. W. MSS. I, ii, p. 359). As this was ‘written in Latin, with many Welsh terms, phrases and short passages left untranslated’ (W.M.L. p. vii), it is of special interest because of the antiquity of the Welsh forms preserved in it.

Pen. MS. 28, now in the National Library of Wales, is a small, unbound, insignificant looking manuscript. It is bicolumnar,

<sup>1</sup> See further, Lloyd, *Hist.*, I, pp. 355–6 and *W. People*, p. 181.

with the headings of the various sections written in red ink, with coloured capitals throughout and interesting contemporary coloured drawings. These drawings have been reproduced in black and white in A.L. II, pp. 749–813. Lhuyd in his *Arch. Brit.*, p. 258, col. 2, is apparently describing this MS.: ‘*Idem Lat. Vaugh. Membr. Codex antiq. in quo effigies omnium tum personarum tum rerum de quibus latae sunt leges rudi stylo delineantur.*’

(ii) *Welsh versions*: Of these there is a large number. The earliest edition of a Welsh version is to be found in *Cyfreithjeu Hywel Dda ac Eraill seu Leges Wallicae* . . . by Wotton (1666–1726), with the collaboration of Moses Williams, published posthumously in 1730. The text (called Cott. 3) selected as the basis of this work appears to have been B.M. MS. 6, which, according to Rep. W. MSS. II, iv, p. 946, was ‘written circa 1282,’ and = MS. B (Titus D II) of A.L. It is a ‘later recension (“Venedotian”) of the E and C’ of A. L. (Rep. W. MSS. *ibid.*), but this manuscript C (= B.M. MS. 5) is also ‘extensively quoted by Wotton’ (A.L., I, p. xxvii). In the *Notitia Codd. MSS.* at the beginning of Wotton’s edition, the MS. ‘Cott. 3’ is described thus (with the reason for selecting it): *Codex Legg. Wallicus Dabhinc annis saltem, aut eo amplius, membrana exaratus, omnium quos vidimus absolutissimus; ideoque prelo commisimus una cum variantibus Lectionibus & Additamentis omnibus quae in aliis Codd. observatu digna existimavimus. Constat foliis 73, & inscribitur Titus D. II.* In this work there is a Latin translation later with footnotes, and, at the end, pp. 553–586, a glossary—‘*Glossarium vocum forensium quae in Legibus Hoelianis occurrunt, aliarumque quas Lexicographi Wallici aut male intellexerunt aut penitus omiserunt.*’ Wotton’s translation and glossary ‘were valuable pioneer work,’ but ‘by selecting this text . . . and representing all departures from it in the form of various readings, he introduced a confusion upon which learning spent itself in vain. . . .’ However, ‘*Leges Wallicae* preserves for us some readings not elsewhere to be found in print, notably from the lost Wynnstay MS. which Wotton styles Ll.’ (Lloyd, *Hist.*, I, p. 354).

During the intervening period between the year of the publication of Wotton’s *Leges Wallicae* (1730) and A. Owen’s A.L. (1841), portions of the Laws were published in the *Cambrian Register* and the *Myvyrian Archaiology* (see W. People, footnote p. 180, for reference). ‘A fruitful study of the Laws only be-

came possible on the appearance of this edition undertaken by A. Owen (1792–1851) for the Record Commission,' and it was Owen that first discovered that the various versions could be classified, as he recognised 'that the Welsh MSS. fall into three distinct groups, representing three recensions of the original law of Howel' (Lloyd, *Hist.*, I, 354). Owen called these three recensions, I, the Venedotian (or North Wales) Code; II, the Dimetian (or West Wales) Code; and III, the Gwentian Code. In his edition he made use of all the available MS. versions of the Laws.

GROUP I. The MS. which he used for his basic text of the 'Venedotian' code was Pen. MS. 29, the so-called 'Black Book of Chirk,' which Owen dated 'early part of the twelfth century,' but Rep. W. MSS, s. Pen. MS. 29, gives the date 'about 1200,' and Lloyd, *Hist.* I, p. 354, gives reasons 'for thinking an earlier date to be unlikely on other than palaeographical grounds,' and quotes from the transcript (E. of A.L.) a reference to Geoffrey's *Historia* and another to the order of Knight Hospitallers, 'which show that the compilation cannot have been made before the middle of the twelfth century.'<sup>1</sup> This MS. is unfortunately incomplete, but B.M. MS. 4 (Add. 14931), 'middle of XIIIth century,' is 'a direct transcript, in Dimetian orthography, of it' (Rep. W. MSS. s. B.M. MS. 4). Owen, in his A.L. I, pp. xxv–xxvi, has a long note on this Pen. MS. 29, in which he says:

'It is difficult to affix a certain date to this transcript, more particularly as the part which recites amendments to have been made in the laws by Bleddyn ab Cynvyn, about 1080, is unfortunately lost. There can be little doubt, however, that it was contained in it, as E [that is, B.M. MS. 4 = Add. MS. 14931], which has every appearance of being a copy of this Manuscript, has the passage. It may probably have been transcribed in the monastic establishment at Bangor, as it contains laws peculiar to the district of Arvon, or Caernarvonshire, in which Bangor was situated, and alleges the affirmation of them, if impeached, to belong to the communities of Bangor and of Clynog. These local privileges occur in no other Venedotian copies but in this and in E. A is in the Hengwrt collection, and may be attributed to the early part of the twelfth century. It is endorsed by Rt. Vaughan, Llyvr du o Waen, the 'Black Book of Chirk,' probably from its

<sup>1</sup> He adds further, on p. 355, 'It may well be the case that the code was compiled at the bidding of Llywelyn, who desired to emphasise the supremacy of Gwynedd by the issue of the laws in a distinctively Venedotian form.' But see below for a further and more recent discussion of the date.

being procured from thence ; it was transcribed by Wm. Morris, of Llansilin, in 1680. Upon blank spaces in some of the folios of this manuscript an elegy upon Llywelyn ab Jorwerth, the composition of the poet Bleddyn, has been introduced. From the orthography and the appearance of the manuscript it appears to have been inserted contemporaneously with the occurrence, in 1241.'

On the outside of the MS., now in the National Library of Wales, on a slip of paper pasted on a sheet of vellum containing English writing, is written '26 Llyfr Ddu (*sic*) o Waen' (the Black Book of Chirk) in a late hand (? W. W. E. Wynne's), and inside on a clean white sheet of vellum (quite different from the dark brown vellum of the MS. itself) are inscribed the words—*y llyfr du or w*—, with most of the last word torn off, but, judging by the bases of the strokes left, it was probably *waun*. Underneath and on top left-hand corner are the initials *ll d w*.<sup>1</sup>

The other MSS. (B to H) used by Owen for the Venodotian Code have been identified as follows in the volumes of the Rep. W. MSS., from which the quoted remarks have been taken :—B = B.M. MS. 6, 'written *circa* 1282'; C = B.M. MS. 5, 'written, apparently, at two different times by two different hands of the same type, about the middle of the XIIIth century'; D = Pen. MS. 32, called 'Lib. Teg, vel Teg,' the portion of it containing the laws (pp. 1–224) dated '*circa* 1380'; E, a transcript of A, for which see above and also the notes in the Preface to Rep. W. MSS. Vol. I, Part II (Peniarth) and A.L. I, p. xxviii; F = Pen. MS. 34, '? XVIth century'; G = Pen. MS. 35, 'last quarter of the XIIIth century'; H = Pen. MS. 278, 'written by R. Vaughan of Hengwrt.'

GROUP II. Dimetian Code. The MSS. I to T of A.L. have been identified as follows :—I = Pen. MS. 38, 'XVth century'; J = Jesus Coll. MS. 4, '*circa* 1400'; K = Pen. MS. 40, '*circa* 1469'; L = B.M. MS. 7, 'written in the second quarter of the XIVth century'; M = Pen. MS. 33, 'early XVth century'; N = Pen. MS. 36 B, 'late XIIIth century'; O = Pen. MS. 36 A, 'after 1282, but not much later' (see note on this version in Lloyd, *Hist.* I, p. 355; it appears to be the oldest Dimetian Code, and has special references to S.W. Wales); P = Pen. MS. 259 A, 'last quarter of the XVth century'; Q = the lost Wynnstay MS., which perished in a fire (see Rep. W. MSS., s. B.M. MS. 9; see also Wotton's long note on this MS., which he designates Ll

<sup>1</sup> For a further description of this MS. and its contents, see below.

in *Leges Wallicae* in the *Codd. MSS. Notitia*,—‘*Codex Wallicus, perantiquus, membrana pulchre quidem scriptus, sed quo seculo non ausim determinare,*’ etc.); R = Pen. MS. 31, ‘first half of the XIVth century’; S = B.M. MS. 9, ‘late XVth century,’ (cp. Owen’s description of this with that of Llanstephan MS. 116 in the Rep. W. MSS., and with the account given of Llan. MS. 116 in the Introduction to the printed text, p. viii, by T. Lewis, for which see below); T = B.M. MS. 8.

GROUP III. Gwentian Code. The MSS. U to Z of A.L. have been identified as follows:—U = Pen. MS. 37, ‘late XIIIth century,’ edited, with translation, by A. W. Wade-Evans in *Cymmrodor* XVII (1904), p. 129—, (Owen states that this ‘has been adopted as the text of the class of Gwentian forms, not from any superiority, but as being the simplest’); V = B.M. MS. 10, ‘? written at Neath about 1285,’ ‘the oldest and most important MS. of the “Gwentian” version of the Laws’; W = B.M. MS. 11, ‘first quarter of the XIVth Century,’ apparently a direct transcript of B.M. MS. 10; X = B.M. MS. 15, ‘? not finished before 1461’; Y = a lost MS., ‘middle of the fourteenth century’ according to Owen in A.L., but see W. M. L. (Wade-Evans), pp. xv–xvi; Z = Pen. MS. 259 B, ‘first half of the sixteenth century’ (see W.M.L., pp. xvi–xvii).<sup>1</sup>

For what he calls the ‘Anomalous Laws,’ Owen used, among other MSS., Pen. MS. 36 C, ‘late XVth and XVIth centuries,’ and Pen. MS. 258, ‘second half of XVth century.’

Among the versions not seen or not used by Owen, according to Rep. W. MSS., are Llan. MS. 116 (see on E above); Pen. MS. 30, ‘XIIIth century’ (‘apparently the scribe of this MS. used MS. 29 [i.e., the Black Book of Chirk] and a Latin text, and edited and arranged the contents afresh. The rubric initials, cols. 147–304, of this MS. seem to be modelled on those of MS. 29’); Pen. MSS. 39, 270, 271, 314, as well as other later transcripts in the Llanstephan collection.

On Owen’s method in A.L., the following note from a paper on ‘Foreign Elements in Welsh Medieval Law’ (D. Brynmor Jones) published in *Tr. Cym.* 1916–17, pp. 4–5, may be of interest:

‘Aneurin Owen erred in not reproducing any MS. as written. Seemingly with a view to convenience of reference he divided each of them

<sup>1</sup> See W.M.L. also, p. 288, Appendix, for “General Relation of Four Earliest Texts” (viz. V, W, X and U).

into books, chapters and sections. The reproduction in this manner gives, especially to the Codes prefaced with a statement about Howel Dda's assembly and the promulgation of the book of law they produced, a false air of legislative authority and precision which tends to hide their really composite, fortuitously selective, and private character.'

The justifiability of the territorial designations ('Venedotian,' 'Dimetian' and 'Gwentian') adopted by A. Owen has been disputed, especially by Wade-Evans (in *W.M.L.*, pp. xi, xii), who suggests that it would be more appropriate 'to style them [the different codes] after the names of the "jurists" preferred in their respective prefaces,' and proposes tentatively the following substitutes,—Book of Gwynedd for Venedotian Code, Book of Cyvnerth for Gwentian Code, and Book of Blegywryd for Dimeitian Code. But Lloyd (*Hist.*, I, p. 355) sees no objection to the terms 'Venedotian' and 'Demetian,' although he remarks, in reference to the 'Gwentian' Code, that 'as to its local connections, there is nothing to connect it with Gwent.'

#### LATIN OR WELSH ORIGINAL.

It is generally agreed that no Latin or Welsh MS. has preserved the code of Hywel as originally compiled. 'The Latin, no less than the Welsh, MSS. speak of the time of the great legislator as a bygone age. . . . The nearest approach to evidence of what was contained in the first law-book is the consensus of all codes and versions, and there is, in point of fact, so much in common between them as to make this criterion not unserviceable' (Lloyd, *Hist.* I, p. 356). 'No copy of the original code of Hywel has survived in any form, for not only are all extant MSS. of the laws of later date than 1150, but they represent improved and enlarged editions of the law book of Whitland, compiled from time to time by distinguished lawyers for the use of particular districts or communities' (*Hist.* I, p. 341). A footnote in *Rep. W. MSS.*, s. Pen. MS. 30, refers to a paragraph in the version of the laws contained in this MS. which seems to suggest 'that the compiler of MS. 30 had seen a codex (? original) at Whitland.'

The question of the language of the original is dealt with at some length in *W. People*, Appendix D, where a reference is made to the fifteenth report of the Royal Commission of Historical MSS. (1899), which states that

'an unedited thirteenth-century manuscript at Peniarth . . . declares that the Laws were drawn up in Latin, in order that the Church and

Pope might be able to judge of them, and that the common people might hold them in greater respect from the inability to understand them. Linguistic tests, too, tend to support this assertion of a Latin original, and probability enforces it. We should in this way get independent translations into Welsh, which would naturally give rise to what came later to be regarded as different "codes".

The authors of the *W. People*, however, for reasons set forth in this Appendix D, draw an inference—'not a certain, but a probable one—that the Latin text is a translation.' Lloyd (*Hist. I*, p. 356) appears to agree with this view, although he recognises the difficulty of finally deciding the question, but adds that 'so far as the extant Latin texts are concerned, they may safely be regarded as adaptations from Welsh originals,' for the 'versions would appear to have been made for the benefit of ecclesiastical landowners and judges who did not know Welsh.'

In a note in Rep. W. MSS., on Pen. MS. 50, a statement from the version contained in this MS. is quoted—*Odamheuyr bot pob un or llesoet a ducpuyt uchot eu bot e kefreyth hewel edrecher elleureu lladyn ac eno y keffyr* (col. 141)—with the remark that this 'confirms our hypothesis that the Welsh Laws were originally written in Latin, but with the technical terms left mostly untranslated.' In the Introduction to Gl.M.L., p. ix, the author confesses to a 'growing conviction that the Latin Laws as we have them are a patchwork, and in parts demonstrably translations from the Welsh.' After discussing some instances quoted in support of this, he adds (p. x), 'several others will be found in the Glossary showing that the Latin Laws are in part, at any rate, a translation and a mosaic.'

#### SOME WELSH TEXTS PUBLISHED SINCE A.L.

These are more convenient for the study of the language than Owen's amalgam, as they are faithful reproductions of the actual MS. texts.

(i) A 'Gwentian' code from Pen. MS. 37, 'late XIIIth century,' denominated U in A.L., published by A. W. Wade-Evans in *Cym. XVII* (1904), pp. 132–147, with an English translation pp. 148–163.

(ii) *Welsh Medieval Law* (Wade-Evans: Oxford, 1909), with an introduction, text and short glossary. The text chosen = V of A.L., with missing folios supplied from W. Both these texts (V and W) belong to the 'Gwentian' class or the 'Book of Cyvnerth' type as the author prefers to call it, although he sug-

gests in this case that the two codices could be distinguished by some such name as the 'Composite Book of Cyvnerth and Blegywryd.'

(iii) The *Laws of Howel Dda*, a facsimile reprint of Lla-stephan MS. 116 (T. Lewis: 1912). This is a reproduction of MS. written in the 'second half of the XVth century,' with an introduction and a very useful classification of contents. This text does not seem to have been used for A.L. (see footnote *Tr. Cym.*, 1916-17, p. 4, by Brynmor-Jones).

(iv) *Welsh Laws. Facsimile of the Chirk Codex of the Welsh Laws* (J. Gwenogvryn Evans: Llanbedrog, 1909). This is A of A.L. (for some account of which see above), Pen. MS. 29, now in the National Library of Wales.

#### DESCRIPTION AND ACCOUNT OF PEN. MS. 29.

This MS., *Y Llyfr Du o'r Waun*, is one of the earliest and most important Welsh MSS. It may be a transcript of an earlier one. 'The *Chirk Codex* represents Welsh prose of any extent in its most primitive form, and the MS. must be regarded as a transcript of an earlier one' (*W. People*, p. 646, quoting from the report of the Royal Commission on Historical MSS.) Rep. W. MSS., s. Pen. 29, describes it thus :

'104 pages, imperfect and deranged in the sewing<sup>1</sup>; pages 33-58 [? 59] are in a smaller hand than the rest of the MS. which seems to have been written about 1200. . . . Forms like *dressou*, *troith*, *din*, *neildu*, *hui*, *ecchen*, *bucc*, *hycc*, *ryc*, *pet*, *pedh*, *peht*, *peth*, *pue*, *lloe*, testify that this MS. must be a copy of one considerably older, and that Welsh can hardly have been the native tongue of the scribe,<sup>2</sup> whose notion of the value and use of the aspirate in particular is decidedly original even among the few MSS. in the North-Walian dialects.'

According to Rep. W. MSS., B.M. MS. 4, 'middle of XIIIth century,' is a 'direct transcript in Dimetian orthography' of Pen. MS. 29. In the published text (*Welsh Laws* . . . Evans) we have Pen. MS. 29 up to page 57 (p. 58 is not given in fac., but has been transcribed and printed at the beginning; the first two pages, not clear in fac., also transcribed). For p. 58 of Pen. MS. 29, the B.Mus. MS. 4<sup>3</sup> version is given, and the *lacunae* after

<sup>1</sup> One leaf (pp. 59, 60) missing.

<sup>2</sup> But cf. *Tr. Cym.*, 1918-19, pp. 213, 214.

<sup>3</sup> See footnote in Rep. W. MSS., I, ii, p. vii, where there is a reference to this (their forthcoming) edition and to the source of 'the missing parts.'

this are also filled from the same source. The text of Pen. MS. 29 is resumed on p. 85 (the actual *lacuna* here ends on p. 83, l. 7, so that both the B.M. and Pen. versions are given for about a page), and continues as far as p. 128, the remainder being supplied from B.M. MS. 4. Page 84 is an odd one from another (bicolumnar) MS., but the text contained in it deals with *naw affeith tan* etc., as do the neighbouring sections.

Although the transcript (B.M. MS. 4) is in the main in a later orthography, we find at the very end (second half of p. 135 of the published text) an interesting series of questions and answers in an orthography that appears to be more like that of Pen MS. 29. Owen, in A.L. I, p. xxviii, refers to this :

‘The orthography of E [i.e. B.M. MS. 4] has been adapted to the mode in use at the time ; but at the conclusion there occurs what appears to be a fac-simile and literatim extract from the manuscript copied, which from the style appears to have been of considerable antiquity.’<sup>1</sup>

This section has been transcribed in Rep. W. MSS. II, iv, pp. 944–945 (s. B.M. MS. 4), with a note stating that the ‘orthography is more eccentric than in Pen. MS. 29.’

In addition to the legal matter, this Pen. MS. 29 contains, at the bottom of p. 31, in small handwriting, a poem described in Rep. W. MSS. as ‘an elegy to Llewelyn ap Griffith.’ In the *Rev. Celt.*, Vol. 32 (1911), pp. 203, Loth, in a paper entitled ‘L’*élégie* du Black Book of Chirk,’ showed that this is really a poem by Dafydd Benfras on Llywelyn ap Iorwerth (*ob.* 1240), and that what is found at the bottom of p. 42, is really a fragment of the same elegy, printed in *Myv. Arch.* (2nd ed.), pp. 219–220. See also A.L., I, p. xxvi (referred to above) and more especially B.B.C.S., III., i, p. 7.

Another interesting tract found in Pen. MS. 27, pp. 41–42, is ‘Breinniau Arvon’ (‘The Privileges of Arvon,’ as it is called by Owen in A.L., pp. 104–107, see above in quotation from Owen’s description of his MS. A), also found in the transcript (E<sup>2</sup> of A.L.). It is not ‘in the same hand as the text before and after’

<sup>1</sup> Owen in A.L., II, p. 37 (note) adds : ‘This is written in a rounder hand, and more antient orthography, than the rest of the book, and appears to be intended as a fac-simile of the part of the MS. from which E was transcribed.’

<sup>2</sup> Is this the MS. referred to as containing ‘Breinie Guŷr Avron’ in Lhuyd’s *Arch. Brit.*, p. 258, col. 2 (bottom) ?

(Rep. W. MSS. I, ii, p. viii, footnote). (The two preceding lines, written in reddish ink, do not seem to be in the same hand as what comes before, although the handwriting is the same as that of 'Breinniau Arvon'). This tract commences with the words *Eman ellas*. . . . On this and the part which it plays in the 'Taliesin Controversy,' see *Cym.* xxviii (*Taliesin*, by J. Morris-Jones), pp. 46-49, where a translation is given and the statement is made that 'it is the record of a tradition concerning the origin of certain privileges enjoyed by the men of Arvon'; see also *The Book of Taliesin, Facsimile and Text* (J. G. Evans, 1910), pp. xvii-xviii, and *Cym.* xxxix (1924), *Taliesin, or the Critic Criticised*, pp. 76-80, where a transcription and a translation are given. In the latter we find a further interesting discussion of the date of Pen. MS. 29. The Rep. W. MSS. (1899), I, ii, p. 359, had the remark 'seems to have been written about 1200,' in reference to this MS. We have already seen (above) how Lloyd 'on other than palaeographical grounds believes that an earlier date seems unlikely.' In view of this, the following words from the Appendix (pp. 76-77) to *Taliesin, or the Critic Criticised* are worth citing at some length :

'I assigned the date of ["circa 1200" to the older, bolder hand in the Chirk Codex; the old plural "dryssou" seemed to argue for twelfth century, while the writing was thirteenth century. So I took refuge in Safety Castle, named "Circa." If I were to define "circa" I would say that 1200 was the earliest possible date, and that probably the writing was twenty years or more later. The smaller hand is still later—how much later can only be gathered from internal evidence. I do not remember another script with which to compare it. But the most considered opinion based on the character of the writing must always bow to internal evidence. A scribe may write for forty years, and his *formal* hand remains practically the same all that time, so that one requires something beside the style of writing to fix a date. The use of *t* for *ð* in the Welsh part of Harley MS. 3859 is a case in point. Bradshaw assigned that MS. to the end of the eleventh century, Maunde Thompson to the beginning of the twelfth century, and Warner when discussing it with me gave it as his opinion "that 1120 would not be far out." The occasional use of *t* for *ð* brings the additional matter down to 1128-30. So that the following entry by Yorwerth ap Madog ap Rahawt [i.e. *Eman ellas*, etc.] brings the date of the Strathclyde references to 1230-48, when the Geoffrey Mythology had reached its height.'

In this MS., the Black Book of Chirk, we have also other matter that is not legal in character, namely a series of proverbs

(on page 32), which may have an indirect bearing on the question of dating the MS. The matter has been dealt with by Prof. Ifor Williams in B.B.C.S., III, i. p. 8 (Jan. 1926). These proverbs, written in a different hand from the main part of the MS., appear on the page after that on the bottom of which the elegy to Llywelyn (mentioned above) is written. Prof. Williams contends that, if the elegy was inserted in 1240 or soon afterwards, in such a small space at the bottom of p. 31, it is difficult to believe that p. 32 was free of writing at the time. He assumes, then, that the proverbs were there already, that this copy of them is to be dated 'before 1240,' say the first quarter of the thirteenth century. He also calls attention to the similarity of the orthography to that of the rest of the MS.

[On the triadic material and significance of the fewness of examples of this grouping in the earlier text, see *W. People*, p. 646 ('the older the manuscript the fewer the triads it contains. The two oldest do not contain a single triad between them.'<sup>1</sup> —quoted from the fifteenth report of the Royal Commission on Historical MSS., 1899); also *Tr. Cym.*, 1916–17, pp. 24, 25:—

'In the next place a great obstacle to the acceptance of the view that the enneads and triads of the Welsh Laws are of ancient origin is created by their language. The Welsh in which the MSS. of the Venedotian and other codes are written is according to the best philological authorities Mediæval Welsh, though Old Welsh forms are preserved therein. . . . If these triads were really composed at an early date, it is reasonable to infer that they would be couched in Early or Old Welsh. . . . If the triads were a legacy from a far distant past, not only would they have been in all probability transmitted in an earlier kind of Welsh, but when written down would have been treated as a collective authority. . . . There is no reference in the Venedotian Code or the earliest Latin version to a "Book of Triads".' —D. Brynmor-Jones in his paper 'Foreign Elements in Welsh Mediæval Laws.'

See further Lloyd, *Hist.*, I, pp. 122, 318–319; *W. People*, p. 184; and *Welsh Tribal Law and Custom* (T. P. Ellis), I, p. v, and pp. 47, 49, etc.]

## B. PARTICULAR

In the main, the general linguistic features of the earlier Welsh versions of the Laws are similar to those which characterise

<sup>1</sup> A few in B.B.Ch. (in the part transcribed from B.M. MS. 4), pp. 134, 135 (= A.L., II, p. 36).

Middle Welsh prose. In compositions of this kind the syntax tends to become rather monotonous, the style paragraphic and the language full of stereotyped phrases and constructions. Since the publication of complete, continuous texts from various manuscripts (referred to above), it has become easier to examine in detail the features of some of the different versions. In this paper, we can only refer to a few interesting, and in some cases rare, characteristics occurring in the published texts.

#### I. THE ORTHOGRAPHY OF THE BLACK BOOK OF CHIRK.

This orthography preserves some of the characteristics of the orthography of the Old Welsh fragments, e.g. *gu*<sup>1</sup> medially for some kind of consonantal *u*, *bysqueyl* 24.17, *anguar* 29.28, *dina-guet* 36.8, *diguethaf* 38.17, *enguy* 40.26, *neguyt* 40.9, *deguyssso* 12.15, *dyguedhaf* 107.24, *geylguat* 107.13; the *-ou* plural suffix for the later *-eu*, *-au*, *dressou* 3.27; the occasional absence of the prosthetic vowel,<sup>2</sup> *speit* 46.31 (cf. *scolheic*) *escol* 48.28. Some such 'Old Welsh' orthographical features are discernible in the Welsh forms preserved in the oldest Latin version (Pen. MS. 28 = A.L. II, pp. 769-814), which is said to be older than Pen. MS. 29 (B.B.Ch.), e.g. *tygdyn* A.L. II, p. 780, l. 35, *gwas stauell*, p. 749, last line. Apart from these older features, the orthography is 'eccentric,' 'peculiar' (*Cym.* xxviii, p. 46), 'irregular' (Gl.M.L. p. xv). Attention has been called to some of these 'irregularities' from time to time.<sup>3</sup> In W.M., p. xii, we read, 'Welsh orthography for centuries moved steadily along well-defined lines, every school and generation following recognised rules,' but (in footnote) 'the orthography of the Black Book of Chirk is a notable exception to the rules.'

A most novel hypothesis regarding the peculiar orthographical features of the Black Book of Chirk (and of the Black Book of Carmarthen and other early Middle Welsh MSS.) was advanced

<sup>1</sup> See W.G., p. 188, for this.

<sup>2</sup> See W.G., p. 26, and cp. *stlys*, *stryw* in the fragment from Pen. MS. 7 published in W.M. (p. 280).

<sup>3</sup> E.g. in the Appendix (by Anwyl) to *Welshmen* (Stephens. London and Cardiff, 1901); *Grammar of Early Welsh* (Jos. Baudiš. Oxford, 1924); and W.G., pp. 7, 15, 16, 17, 22, 38, 39, 188, 189, etc., the note on pp. 38-39 being significant: 'In Mn. lit. W. *i* generally appears after syllables having *ei*, . . . In these cases the *i* is omitted in S.W. dialects and most Ml. MSS., . . . but the oldest Ml. prose MSS. (the early MSS. of the laws) and Mn. lit. W. follow the practice of the N.W. dialects and insert the *i*, as *keynyauc*, A.L., i, 24 MS. A.'

by Professor M. Watkin, in his paper on <sup>1</sup> 'The French Linguistic Influence in Mediæval Wales' published in *Tr. Cym.* 1918-19, pp. 182-184, where the writer deals with the inorganic vowel in early Middle Welsh (especially those examples of it occurring in initial consonantal groups in B.B.Ch.), and concludes (p. 184)—

'The fact that inorganic vowels appear in positions <sup>2</sup> in which they are never attested in Old Welsh, coupled with the fact that their occurrence in these positions is a salient feature of Anglo-Norman spelling, makes it clear, I think, that we are once more face to face with a phenomenon taken over from Anglo-Norman script.'

The details are discussed on pp. 194-210, and there follows a long and interesting note on 'Provection and the Nationality of the Scribe,' pp. 211-216.

In the *Book of Aneirin* (ed. Evans, Pwllheli, 1908,—issued in 1925), pp. xliv-xlvi of the Introduction, there are comments on the above theory and some criticism of it. The writer admits that 'Prof. M. Watkin has contributed stimulating suggestions with some original application. But inaccuracy, discursiveness, and chanticleering go far to mar the meritorious kernel of the contributions' (footnote p. xlv, where *Y Cymmrodor* is to be corrected to *Tr. Cym.*).

There is also a detailed and careful review and criticism of Prof. Watkin's paper by Prof. Loth in the *Rev. Celt.* 39 (1922), pp. 227-240, and in reference to the section dealing with the French influence on Welsh orthography the reviewer says, 'Toute la partie concernant l'influence française sur l'orthographe galloise au xiie siècle a besoin d'être soumise à un nouvel examen.'

Attention may be here called to some forms that are of phonological interest, such as *macht* 43.22, *yaunt* 54.27, 55.2 (cf. O. Bret. gloss. Eut. *eunt*, and Loth *Mab.* II, p. 209), *cornt* 93.16, *guer* (for *guerth*) 89.6, *bluyn* 93.11 (for which see Gl.M.L.), *guyll* (for *guyllt*) 88.14 *et passim* (for which see Prof. Ifor Williams's note in B.B.C.S. I, iii, pp. 228-234), *guall* (for *guallt*) 106.17.

<sup>1</sup> A further 'long article' on the subject of the French influence on the Black Book of Chirk is promised on p. 195. This has appeared under the title '*L'influence française sur l'orthographe du Livre Noir de Chirk* (c. 1200)' in *Mélanges bretons et celtiques offerts à M. J. Loth.* Rennes-Paris, 1927, pp. 408-417.

<sup>2</sup> He is referring to such forms as the following from B.B.Ch., *balaut* 91.24; *keledren* 99.9, *koloren* 89.3, *kereir* 72.6. Such forms occur occasionally in the Welsh terms found in the Latin texts, e.g. *deressaur*, A.L., II, p. 753. Cf. *berenhin* in Llan., 116, p. 19, l. 23 (but *brenhin* l. 25), *o peleid*, p. 15, l. 9, *bara6dle* 73.34, *talodi* 62.1.

## II. THE VOCABULARY OF THE LAWS.

In addition to the strictly legal and technical terms <sup>1</sup> which naturally abound in texts of this nature, we find in the laws a large selection of names of animals, trees, implements and utensils, arms and accoutrements, parts and members of the body, measurements, family relationships, etc. Much has already been done to elucidate the more difficult technical terms and to interpret and explain some of the obscure words and forms. Besides the explanations given in the earlier dictionaries, we have, of course, the translations of the texts,—Wotton's into Latin, A. Owen's and Wade-Evans's into English. These works have glossaries also, the short one at the end of Wade-Evans's *W.M.L.* being very useful. Such works as *The Ancient Laws of Wales* (H. Lewis ; ed. by J. E. Lloyd. London, 1889), Seebohm's *Tribal System in Wales* (London, 1904), and T. P. Ellis's *Welsh Tribal Law and Custom in the Middle Ages* <sup>2</sup> (Oxford. 1926) contain attempts to throw light on the meaning of some technical terms. There is, however, one complete lexicographical work based on the B.B.Ch., *A Glossary of Mediæval Welsh Law* (T. Lewis. Manchester Univ. Press, 1913). For the portions of the original missing in B.B.Ch., the author has used the transcript (BM. MS. 4). It contains also a very helpful index to the pages in A.L. that correspond to the pages in B.B.Ch. This work, however, is something more than a mere glossary of the B.B.Ch., and, although that was the original intention, 'it was decided to extend the scope of [the work] very considerably and to treat the text as a part of Mediæval Welsh literature—seeking to explain some of its many enigmas by means of other texts in prose and poetry' (Introd. p. vii).<sup>3</sup> The Glossary, therefore, includes a large store of examples and quotations from other Welsh texts, and valuable references.

Isolated words have been discussed in journals from time to time, by Loth in his *Notes étymologiques et lexicographiques* in the *Rev. Celt.* (e.g. Vol. 41, pp. 223, 381, 394 ; Vol. 42, pp. 64, 76, 80,

<sup>1</sup> 'These various codes . . . disclose a fairly complete system of legal terminology in the Cymric language.'—*W. People*, p. 186.

<sup>2</sup> See review of this work, with remarks on some of the Welsh terms dealt with by the author, in *Y Llenor* VI, i, pp. 24-25.

<sup>3</sup> The occurrence in the Laws and in the *ML. W.* prose tales of such words as *penffestin*, *pengu(w)ch*, *gwynseit*, *grwnseit*, *agweddi*, *amobr*, *eillt* and *annwfn* adds interest to the study of the vocabulary of the Laws.

etc.), by others (esp. Ifor Williams) in the B.B.C.S. (e.g. I, ii, pp. 116–118; II, i, pp. 1, 5, 14, 39, 44, 45; III, ii, p. 134).<sup>1</sup> Note *tachuuwet* (*tachwedd*) B.B.Ch. 43.17 as a common noun (*amser t*, = ‘prime season’ A. Owen), and see Davies’s Dic. and Richards’ s.v.

In his paper on “The French Literary Influence in Mediæval Wales” (*Tr. Cym.* 1919–20), p. 71, Professor M. Watkin states that ‘The vocabulary of the Law codices is . . . interspersed with borrowings from Old French,’ and on pp. 71, 72, traces the following words to a French source,—*eillt*, *estyuos*, *crybdeyl*, *dymey*, *ryghyll*, *breyr*, adding that ‘there are, of course, very many others, some of which are of much interest; e.g. *tyglys*, *dayret*, *gelef*, *olre* in *olreat*, *estaluen*, *hoseoaus*; etc., etc.’

The following words, taken from B.B.Ch. only, are evidently and admittedly of foreign (English certainly in some cases, possibly or probably French directly or indirectly in others): *kofres* 4.2, 22.13, *berua* 102.2, *burth* 68.6, *capan* 25.10, *costrel* 102.4, *cussan* 74.16, *cumpas* 51.20, *disteyn* 9.9 (*et passim*), *edlyg* 3.21, *ferem* 23.4, *firdlyc* 94.11, (*g*)*ehol* 24.25, *guychet* 12.12, *harneys* 8.11, (*h*)*urlys* 30.13, *hebauc* 11.13, *hermidur* 48.27, *hossaneu* 26.23, *panel* 103.4, *plas* 134.22, *puteyn* 41.18, *palfrey* 88.12, *punt* 69.13, *runcy* 88.12, *sapel* 9.2, *taryan* 102.21, *ymp* 98.1. It is not possible to refer here to the peculiar glossarial features of W.M.L. and Llan. 116.

Another interesting feature of these texts of the laws is the occurrence of a considerable number of proper names (place and personal). Those that occur in B.B.Ch. are given in G.L.M.L. There is, e.g., a reference to *penryn blathaon* and *penryn penwaed* in B.B.Ch. 64.26.27, with which compare the form *penn pengwaed* in R.M. 104.1 and Loth’s note on it in his *Mab.* I, p. 253.

### III. SOME GRAMMATICAL FEATURES OF THE VARIOUS TESTS.

On the general question we may quote the following statement from W.M. Introd., p. xi:

‘Unfortunately examples of the youth of Welsh prose are practically unknown. Except for the description of the boundaries in the

<sup>1</sup> Some of the words discussed,—*afrrllad*, *sârhaed*, *casnar*, *cadw*, *daered*, *cyfar(w)ys*, *drud*, *adlo*, *kenordy*, *amhinogeu*, *pennill*, etc.

Some legal terms are explained in old glossaries like those published in B.B.C.S., I, iv, pp. 315–353; II, ii, pp. 135–148.

charters in the Book of Llan Dâv, and sundry other short paragraphs, nothing has survived earlier than the Black Book of Chirk, where the style is primitive in comparison with the above fragments<sup>1</sup> of the Mabinogion, though the age of their respective manuscripts is removed by a generation only. But the date of a manuscript is no index to the time of composition, except that no composition can be later than the earliest manuscript in which it occurs. Internal evidence is more helpful. Though we cannot compare narrative with the technical parts of legislative prose, yet the Chirk codex contains sufficient examples of ordinary prose to institute a comparison, and it exhibits a syntax which is singularly pure: it is simple and direct in expression, and illustrates an earlier stage in the growth of Welsh prose than the fragments. Now if we examine the expanded versions of the "Venedotian" Code we find that they exemplify a later stage than these fragments of the Pedeir Kainc. Much, therefore, depends on the scribes. As no manuscript has survived, of which it can be said that the composition and the writing are a twin-birth, fixed data to test our theories are wanting. In the case of the Welsh of the aforesaid boundaries and Laws, the original compositions are reputed to be centuries older than their respective manuscripts. Inasmuch as scribes, in the act of copying, modernised, altered, edited their originals,<sup>2</sup> we are left to build largely on deductions drawn from their blunders.'

Further, in the Introd. (p. viii) to Gl.M.L., we have the author's remark: 'If the scribe [of B.B.Ch.] was a foreigner, as suggested, it is not clear to me how an alien could be such a master of faultless syntax, but on the other hand, how a native could be such a bungler in orthography is beyond my power to explain.' On this Prof. Watkin, in *Tr. Cym.* 1918-19, p. 216, comments thus:

'Mr. Lewis's statement respecting the purity of the syntax [of B.B.Ch.] is incontrovertible. Still the syntax exhibits here and there traits that are anything but Welsh. I would in particular mention the employment made of a redundant article with the genitive case. Other cases of the same French turn of phrase are met with in other texts. The construction I allude to is exemplified in the following phrase taken from *Ystorya Bown de Hamtwn*: *yny iarllaeth gi6n* "in Giwn earldom".'

<sup>1</sup> Printed in W.M., pp. 279-282, 'dating, in point of writing, from about 1235.'

<sup>2</sup> Cf. Rep. W. MSS., I, ii, p. viii, 'Even manuscript A [of A.L.] confessedly departs from the original text, though its language and syntax prove that it is much more of a mere copy than any of the other versions.'

A few of the rarer and more outstanding grammatical features found in some of the texts are subjoined.

(a) The disjunctive construction: the use of *na(c)* . . . *na(c)* for 'whether . . . or, either . . . or,' with the verb in subjunctive.

From B.B.Ch. (with Owen's trans. from A.L.):

56.6 *nac ef a uo ene lle ac* [*? nac*] *ef ny vo* 'whether he be present or not.'

56.23 *nac kaedic uo er amser nac ef ni vo* 'whether it (the court) be closed or not.'

128.6 *nac alldud uo na treftadauc* 'whether he be an alltud or a proprietor.'

128.16.17 *nac o erchy nac o kauarus neythaur* 'either as a boon or as a nuptial gift.'

129.26 *nay grogy nay losgy a uynno* ' (at the option of the lord) either by hanging or by burning.'

From W.M.L.:

117.8.9 *mynho y coet6r na vynho* 'whether the woodsman be willing or unwilling.'

From Llan. MS. 116:

2.19 *mynho y coet6r na mynho.*

3.25 *nac vn auo na lla6s yb6ynt.*

53.21 *na g6yr o grefzd voynt nac egl6yss6yr ereill.*

55.23.34 *na dyn dyrgeledic . . . nac estra6n a herby6no.*

80.14 *na dr6c na da vai y tad.*

121.24 *ll6ydo na l6ydo.*

With the above compare the following:

R.M. 49.3.4 *tra geffit ganta6 ef nac esgit na hossan.*

R.M. 52.14.15 *a thra geffit y ganta6 nac eskit na hossan.*

R.M. 55.6 *ac neut oed seith mlyned kyn no hynny yr pan welsei ef na dyn na mil.*

R.M. 109.19 *Pan dycko beich na ma6r na bychan uo.*

R.M. 194.20 *a weleist di varcha6c yn mynet heiba6. na hediw na doe* (White Book text has *ay* . . . *ay*).

R.B.B. 132.29.30 *kany's amser reit ym brthy6ch y doetha6ch na du6 ach dycko na pheth arall* (= San Marte, p. 82, *quia in congruo tempore vos necessitati meae sive Deus, sive alius obtulit*; 'for either God or some other hath brought ye hither to succour me in mine hour of need.'—Sebastian Evans's trans. in Everyman Lib.).

LI.A. 17 *A allei ef dy6edut pann anet na cherdet* (Lat. *Potuit ambulare vel loqui, mox ut natus est?*)

Ll.A. 32 *Ygann du6 ymae pob teilyngda6t. A phob meddyant. na dr6c na da voent* (Lat. *Deo sunt utique omnes dignitates et potestates malorum seu bonorum.*)

Ll.A. 157 *A ph6ybynnac a dadleuho yn dyd sul. nac a vrattao. nac a6nel amryssonev neu pynckev anghyfulous. . . .*

Cf. Ll.A. 171 . . . *na 6elher or disg6ylua honno yn aml6c ac eu hadnabot p6y vont na pheth a 6nelhont.*

The other disjunctive particle *neu* is compared with the Old Irish *nó, no, nu* 'or' by Thurneysen in his *Handbuch des Alt-irischen*, p. 500, and he suggests that, like Irish *nech*, Welsh *neb*, it is negative in origin, and that the change in the meaning arose originally in negative sentences. W.G., p. 441, suggests another origin. See also Strachan's *Introd. to Early W.*, p. 133, and *Elem. W. Gr.* (J. Morris-Jones), p. 192.

(b) The indefinite construction with *py-* and *pi-* (in compounds) followed by *bynnag* :

B.B.Ch. 96.23.24 *pyeufo benac echun* 'to whomsoever the dogs may belong.'

B.B.Ch. 104.4.5 *corn canu pyeufo bēnac* 'a blowing horn, whoever may be the owner.'

W.M.C. 49.6 *Pydi6" y barnher" bynhac datanhud* 'whoever shall have dadanhudd adjudged to him' (? the tr. marks " " not required).

Cf. R.B.B. 185.19 *py di6 bynhac y bo haelder anyana6l*, and, more remotely, R.M. 104.7.8 *Pa diaspettych di bynnac am gyfreitheu llys arthur.*

(c) The use of the preverbal particle *ry* (*re*), especially in B.B.Ch. For the examples, see Gl.M.L. s.v. *ry*. See also the examples in Llan. 116, p. 93, ll. 20, 21, 27, etc.

(d) The use of *keuoet* in B.B.Ch., usually *kyt boet* in Ml. W., that is, the concessive conjunction attached to a form of the verb 'to be.' Cf. the few cases of *kevei* (*kyffei*) mentioned in W.G. p. 447. B.B.Ch. 86.4 has *keuoet kan arall ellosko*. See also 70.25, 89.14, 108.21, 124.11, and Gl.M.L. s.v. *ked*. There is at least one example in W.M.L. 64.16 *kyffoet mar6* 'although he die.'

(e) The use of the 'accusative of motion to' without a preposition. B.B.Ch. 41.30 *ac edoetant aruon*.

(f) The use of the plural verb in a relative sentence (non-negative) when the subject (the rel. pron.) is plural.

B.B.Ch. 86.21.22 *guedhesseu akemerhoent gueeu* 'weaving-women who shall take webs.' \*

On this see *Cym.* xxviii (*Taliesin*), p. 5, and *Cerdd Dafod* (J. Morris-Jones, Oxford, 1925), p. 91, and *ZfcP*, XVII (J. Lloyd-Jones).

(g) Archaic verbal forms like *telitor* W.M.L. 84.24, preserved in an old formula '*telitor gbedy hala6c l6*' (= Llan. MS. 116, p. 34, ll. 31, 32, *ar gyfreith honno a el6ir telhitor gbedy hala6c l6*. On *-itor*, see W.G. 334.

(h) Forms like *pahar* B.B.Ch. 30.32, *paherwyt* 134.14, *pa dyu* 31.4; see W.G. 63, 293, and G.L.M.L. for other examples.

#### IV. POSSIBLE DIALECTAL PECULIARITIES OR VARIATIONS IN TEXTS.

We have already seen how B.B.Ch. appears to exhibit certain orthographical (and ? phonological) features peculiar to North Welsh dialects, as do 'the oldest M.L. prose MSS.' (W.G. 39). It is difficult, however, to indicate any special dialectal peculiarities in the different texts, although several writers refer vaguely to such characteristics. For example, Owen describes his MS. V (= B.M. MS. 10, edited by Wade-Evans, W.M.L.) as one 'written in the Dimetian dialect.' In the Rep. W. MSS. II. iv, p. 944, B.M. MS. 4 [the E of A.L.] is said to be 'a transcript, in Dimetian orthography, of Pen. MS. 29 [i.e. B.B.Ch.]'. In the Intro. to Llan. MS. 116, p. ix, we are told that this version of the laws 'preserves interesting dialectal peculiarities,' and (on p. xiii) 'we find on every page evidence of dialectal differences,' 'our text [i.e. Llan. 116] gives us a variant in the dialect of Cardigan.' Similarly in Rep. W. MSS. II. ii, p. 568, this MS. is said to 'furnish an interesting specimen of the Dialectal peculiarities of South Cardiganshire.' One would like to have a complete list of these dialectal forms, and it is to be hoped that some investigator will undertake the task of classifying these features.<sup>1</sup>

Llan. 116 is certainly a most interesting MS. In addition to the peculiarities quoted above, the following forms, etc., unclassified and chosen at random, may be mentioned:

*o vy6n* 60.12, *o ve6n* 9.9, *yme6n* 9.21, *gauaf* 13.15, *bileined* (plur.) 12.34, but *bileineid* 13.20,  *wheigeint* 14.1, *gida* 15.5, *bore*

<sup>1</sup> Cf. W.G., p. 8: 'Dialectal forms, chiefly Demetian and Powysian —e, begin to appear in MSS. of the 15th century; but the rhymes of the bards of the 15th and 16th centuries, with the exception of some poetasters, always imply the literary form.'

26.24, *boreu* 14.35, 15.6, *tr6ed* 16.35, *doy* 16.35, *yr hei* 17.30, *boyd* (*voyd*) 18.24, *boell* (*voell*) 19.31, *dechroyer* 26.37, *-a6d* (*-od*) aor. 3rd sing. suffix on p. 59, but *-6ys* on p. 72 (as in B.M. MS. 4, to which this part corresponds), *dadle* 74.22, *anifeiled* 56.35.36, *dosparthe* 57.14, verbal adjectives in *-edic* and *-adwy* from *dywed-* used on pp. 42, 57, as in Ll. A. 118, *6i* 34.23, *taw* 70.16 (= B.B.Ch. 48.11 *emay*), and many others.

The following rough and incomplete list of general correspondences may be found useful:

<sup>1</sup> Llan. MS. 116, p. 1: A.L. I, pp. 446, 448

2A :	452, 454
10 :	480
11 :	482, 484
12 :	486
13 :	488
14 :	492
16 :	496
17 :	502
19 :	508, 512
20 :	514
23 :	522
24 :	524
25 :	526, 532
26 :	534
27 :	538
28 :	540
29 :	542
30 :	546
31 :	550, 552
32 :	552, 554
33 :	556 (W.M.L. 121)
34 :	558
35 :	562
36 :	566
37 :	568
39 :	576
40 :	578
41 :	580, 582, 584

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<sup>1</sup> The text in Llan. 116, pp. 1-3A is from B.M. MS. 7.

Llan. MS. 116, p. 42 :	A.L. I, pp. 586, 588
43 :	II, pp. 360, 362
44 :	362
45 :	I, p. 588
47 :	592
48 :	614
49 :	616
67 :	118 (Ven.)
68 :	120 (Ven.)
69 :	124, 126
70 :	128 (= B.B.Ch. 48)
71 :	130
72 :	182, 184 (= B.B.Ch. 64)
78 :	170 (= B.B.Ch. 60)
86-88 :	II, pp. 28-34 (= B.B.Ch. 132-135)
89 :	30 (= B.B.Ch. 132)
91 :	53, 54
92 :	56
93 :	58
120, 121 :	I, pp. 172, 174 (= B.B.Ch. 60, 61)

## ABBREVIATIONS.

- A.L. : *Ancient Laws and Institutes of Wales*. . . . 2 vols. 1841.  
A.O. : Aneurin Owen, the author of A.L.  
*Arch. Brit.* : *Archæologia Britannica*. . . . By E. Lhuyd. Oxford, 1707.  
B.B.Ch. : *The Chirk Codex of the Welsh Laws*. J. Gwenogvryn Evans. Llanbedrog, 1909.  
B.B.C.S. : *The Bulletin of the Board of Celtic Studies*.  
B.M. MS. : British Museum MS.  
*Cym.* : *Y Cymmrodor*.  
G.L.M.L. : *A Glossary of Mediæval Welsh Law*. T. Lewis. Manchester, 1913.  
Llan. 116, and Llan. MS. 116 : *The Laws of Howel Dda from Llanstephan MS. 116*. Ed. T. Lewis. 1912.  
Ll.A. : *Llyfr yr Ancr. The Elucidarium and Other Tracts in Welsh*. Ed. J. Morris Jones and J. Rhŷs. Oxford, 1894.  
Pen. MSS. : *Peniarth Manuscripts*.  
Lloyd *Hist.* : *A History on Wales*. . . . 2 vols. J. E. Lloyd. London, 1912.  
Rep.W. MSS. : *Report on Manuscripts in the Welsh Language*. J. Gwenogvryn Evans.

- R.B.B. : The Red Book Bruts. *The Text of the Bruts from the Red Book of Hergest*. Ed. Rhÿs and Evans. Oxford, 1890.
- Rev. Celt.* : *Revue Celtique*. . . . Paris.
- R.M. : The Red Book Mabinagion. *The Text of the Mabinagion . . . from The Red Book oh Hergest*. Ed. Rhÿs and Evans. Oxford, 1887.
- Tr. Cym.* ; *The Transactions of the Honourable Society of Cymmrodorion*. London.
- W.G. : *A Welsh Grammar*. . . . J. Morris Jones. Oxford, 1913.
- W.M. : *The White Book Mabinogion*. Ed. J. G. Evans. Pwllheli, 1907.
- W.M.L. : *Welsh Medieval Law*. . . . A. W. Wade-Evans. Oxford, 1909.
- W. People* : *The Welsh People*. . . . Rhÿs and Brynmor-Jones. 4th ed. London, 1906.
- ZfcP. : *Zeitschrift für celtische Philologie*.

T. H. PARRY-WILLIAMS.

## A BIBLIOGRAPHY OF THE LAWS OF HYWEL DDA

### INTRODUCTORY

THE modern study of the Laws of Hywel Dda begins with a remarkable article in the sixth number of the *Bibliotheca Literaria*—a shilling periodical of which ten numbers were published in London 1722–24. The *Bibliotheca* began bravely with an article on Syrian Inscriptions by Mandrell, but collapsed under the ‘Emperor Justinian’ of no. x. In no. vi (pp. 15–28) there appeared an article called ‘An Account of a Book lately published by Roger Gale, Esq., Entituled Registrum Honoris de Richmond; and also of the Record of Carnarvon, a MS. in the Harleyan Library by William Wotton, D.D.’

In this article Dr. Wotton treats of such technical terms as *Tref gyfrif*, *Maerdref*, etc., and bases his remarks on the Laws of Hywel Dda. Wotton’s edition of Hywel’s Laws was published by his son-in-law in 1730, but according to the *Bibliotheca* (p. 19) they were already in the press in 1723.

The number and variety of Law MSS. embarrassed Wotton. The Celt had long been interested in Law, and it is possibly not an accident that the libraries of the old Celtic foundations on the Continent contain titles of so many legal tracts as is shown by Becker’s *Catalogi Bibl. Antiqui*.

Edward Lhuyd had interested himself in Welsh Law MSS. according to p. 258 of his 1707 *Archaeologia*, and we are told that the ‘accurat and ingenious Mr. Wanley’ of Lhuyd’s *Archaeologia* had ferreted out many MSS. of Welsh Laws for Wotton. Scholars like D’Ewes and Robert Vaughan had collected materials and had discussed publishing the Laws, and Anthony à Wood says that William Salesbury wrote a book on Welsh Laws, though his dictionary contains very few law words, but Wotton’s article in the *Bibliotheca Literaria* must be regarded as the herald.

This English clerical polymath lisped in Hebrew and later

preached in Welsh to the British Society, St. David's Day, 1722, on the very appropriate text—'Canys pa bethau bynnag a ysgrifennwyd or blaen, er addysg i ni yr ysgrifennwyd hwynt' (Rom. xv. 4).

Adversity drove him to Gwynedd for shelter, the great Bentley handled him severely and Swift in the Battle of the Books metaphorically 'slew' him for championing the moderns; but the lessons he had learnt in St. Catherine's Hall, Cambridge, never left him, and St. Catherine's Hall was then as later a powerful nursery of Celtic scholars.

Wotton died in 1727 and his son-in-law, William Clarke, saw Wotton's work through the press in 1730. It was a great pioneer work based upon some 25 MSS., mostly of the British Museum. Wotton himself realised that it was impossible to make one satisfactory text out of such material, but he has been condemned for it as if he was not aware of it. Yet his work is well worth reading after two centuries, and the 68 folio columns of glossary by his scholarly assistant Moses Williams is quite indispensable to-day.

Next comes the *Cambrian Register*, edited by W. Owain Pughe with a Welsh text, and an English translation, reprinted a few years later in the *Myvyrian Archæology*. Much has been said of the orthography of Pughe's text in the first edit. of the *Myvyrian Arch.* (1808, III, 361-437), but much of that is based on the misleading note on p. xix of the second edition of the *Myvyrian*. That note says that its text was written by Pughe in an orthography of his own device. Pughe, like Lhuyd and others, devised an orthography for the first edition with a large number of diacritical marks—all these marks were dropped in the second edition and the letters left unmodified! Most students use the second edition of the *Myvyrian*, accept the note as true, and use it to provide Pughe with a testimonial and the readers with a homily on human frailty or vanity.

William Probert is the next of note in the legal succession with his *Ancient Laws of Cambria* in 1823. This was a translation of the Legal Triads and the Laws from the *Myv. Arch.* text. Probert was a Breconshire Wesleyan who turned Unitarian and did remarkable work as a minister of the Gospel in Bolton for over 40 years. His book was much used by Jacob Grimm in his *Deutsche Rechtsaltertümer*, and the older English and Continental writers, when they refer to the Laws of Hywel Dda,

usually mean those found in Probert, though Ferdinand Walter protested vigorously against this.

In 1841 the *Ancient Laws and Institutes of Wales*, edited by Aneurin Owen, were issued by the Commissioners of Public Records. In 1818-19 several meetings were held in Spencer House, for considering the publication of a National Collection of materials for the History of Britain, and on Dec. 19, 1822, the House of Commons authorised the carrying out of the plan, which included the publication of the Laws of Wales. Much happened between 1822 and 1841, but though workers failed, and a common plan for English and Welsh Laws nearly ruined a great project, nevertheless the utilisation for the first time of the fine collections of Hengwrt and Wynnstay Law MSS. handled by a very conscientious scholar achieved a fine piece of work. Very few can realise how fine a piece of work it is without working at the difficult task Aneurin Owen was called upon to undertake. The authors of *Welsh People* often reject his help, but there can be little doubt that they were not well advised in doing so.

Interest in Hywel's Laws was not confined to Britain. Long notices of Probert's had been published abroad, and Du Chatelier published an interesting book of 107 pp. in Paris, 1840, upon Hywel's Laws based upon Wotton's and giving a précis of the laws.

In 1859 Prof. F. Walter of Bonn published an important study called *Das alte Wales*, described as a contribution to the history of Wales, its people, laws and church. Much of this is based upon the Laws of Hywel and is still well worth reading. Walter was better equipped than any of the others to deal with the comparative value of the Welsh Laws. He had come under the spell of Niebuhr in 1823, and began to work at Roman Law, and, as he says, by sheer accident he became interested in Welsh Law the same year. In 1837 he made some aspects of Welsh Law known in his University Program for that year, and worked seriously at the subject till 1859, when his book was published.

After Walter a great deal of attention has been given to the Laws of Hywel, but comparatively little headway has been made. Foremost are Mr. Hubert Lewis and Sir D. Brynmor-Jones, who were barristers and trained men of law. Sir David wrote in 1911 that, as he knew little Welsh and no Irish, what he had written on the Welsh Laws could have very little value, for

a thorough knowledge of both was essential before a student could hope to attack the subject with any success. Of Hubert Lewis's book Prof. T. F. Tout speaks with great restraint when he described it as 'a disappointing book.'

Seeböhm and Vinogradoff made much and very effective use of the Welsh Law texts and realised their first-class value, but Prof. F. W. Maitland [Collected Papers III, p. 3] put his finger on the weak spot of all these writings when he said: 'Until the day comes (whether it ever will, or ever can come I do not know) when those who are skilled in Celtic Philology will have sorted that miscellaneous mass which we know as the Ancient Laws of Wales, the materials which will be at the service of investigators will be of an extremely dangerous and unsatisfactory kind.'

The same was true of Irish Law. Sir H. S. Maine made much use of the Irish Brehon Laws in his great work on Early Institutions. He depended for his Celtic upon his distinguished fellow-official, Whitley Stokes, to whom he dedicated his *Early History of Institutions* in 1874. Stokes was one of the most gifted men who ever studied Celtic, but he was dependent upon unsifted texts and his incisive opinion of the Roll's Edition of the Brehon Laws is on record in a series of letters written to the *Academy*, Sept. 26, 1855 (pp. 204-5), July 24, November 13, 1886, pp. 58-9, 328-9. His opinion may be biassed against Atkinson (one of the Editors), but there are now very few who use those Irish Laws with any confidence. Mr. A. W. Wade-Evans and Dr. Gwenogvryn Evans have published two of the most important Welsh texts separately, and a glossary to Dr. Evans' text was published, and a full index to Mr. Wade-Evans' text. A complete Index-Verborum was compiled to Llanstephan MS. 116, but the cost of printing was prohibitive and it remains unpublished.

A new start has been made in Ireland also. Prof. J. MacNeill has published a translation of that very important *Law of Status*. Prof. R. Thurneysen has published the 'Coic Conara' text and German translation, besides some texts in the *Zeit. f. celt. Philologie*; and the late Dr. C. Plummer published some invaluable studies on Ir. Law texts in *Eriu*. These show very clearly that the older essays on Welsh Law are now of merely historical interest and are of no value for Welsh history—literary or social.

The lineage of the Manuscripts of the Laws of Hywel Dda is

difficult to trace, yet the lineage of the Laws themselves is much more difficult, but as interesting as it is complicated; the lineage of what publicists often call 'Welsh Laws' passes all understanding inasmuch as it includes even late recensions of Hywel's Laws as well as the legal triads and the Triads of Dyfnwal Moelmud.

The oldest known manuscript of the Laws is Peniarth MS. 28—a Latin MS. of the xij century. This MS. is furnished with a series of rude but interesting drawings. On p. 2 Hywel Dda himself—or at least a king—is shown in sepia and sea-green. It looks as if the artist had one of the 'bearded' series of Charlemagne as model for it. On p. 7 there is a Judge, also in sea-green, and if this drawing had been consulted some very recent and dubious discoveries might not have seen light at all. On p. 11 there is a smith with a sea-green blouse and trousers, wearing a Phrygian cap in black, piped with red and his red-hot iron on his miniature anvil, but the artist could draw a black pig much better than a smith or a king.

The oldest Welsh MS. is Pen. MS. 29 and is only a couple of decades younger than the Latin 28. It has been discussed whether the Clerk Blegywryd wrote down the Laws at the memorable convocation called by Hywel Dda to Whitland in Latin or Welsh, but our ignorance of Welsh Law is abysmal enough to encourage speculation but to make dogmatism useless. If the oldest Latin MS. suggests foreign influence, the oldest Welsh MS. is declared to point definitely to Norman-French influence.

Both these MSS.—Peniarth 28 and 29—are separated by over two and a half centuries from the original code of the Whitland Convention—what happened in the meantime?

When Aneurin Owen came to examine the Law MSS. for his edition of 1841, he saw that they fell naturally into three groups, which he called Venedotian, Gwentian and Dimetian from the territorial divisions of Wales. These vary sometimes as much as positive statement can from its corresponding negative. We find references to Cyfnerth son of Morgeneu, Gwair son of Rhufawn, Goronwy son of Moryddig, Gruffudd ap Cynan and others modifying the laws from time to time, but the general assumption about the meaning of the three groups of Law Codices appears to be well put in Haddan and Stubbs (I, 211), 'In course of time the (seemingly) at first single Code (of Hywel) became distinguished into three varying with the three great divisions of Wales, i.e.

Gwynedd, Dyfed and Gwent.' (For the inappropriateness of these names see A. W. Wade-Evans, *Med. Law*, Introduction.)

This discovery of Aneurin Owen is said to have brought order out of chaos, and it may well be so ; nevertheless, some of its results have been most unfortunate. The discovery led students to assume that, when an institution was known in different codes by different names, this was due to dialectal differences. It led great students like Seeböhm and Vinogradoff to much unnecessary trouble and in some cases to serious error over such dual expressions as *gwely* and *gafael*. It led Rhÿs astray over the equation *tyddyn* and *syddyn*, etc. The discovery obscured difficulties and discouraged curiosity, but did not solve any problems.

How many of these differences were due to dialects, how many to Cyfnerth, Gwair and the other innovators, and how many to old native Law Schools, is past saying now. There are suggestions in the Codes that there were Schools of Law, though we know next to nothing of them yet—schools not like those of Pavia or Bologna, but rather like the early Irish Law School of Tuam Dreacain or those later schools described so well in the Introduction to the *Memoirs of the Marquis of Clanricarde* or in Corkery's *Hidden Ireland*—where the native rather than the Latin tradition prevailed. These differences of the three Codes face every beginner, but there are other differences more subtle and of greater interest and possibly of greater historical importance. A very limited acquaintance with Welsh and Irish Law Texts soon convinces the student that even the oldest written code shows very definite stratification.

I. There is a Welsh basis where one finds old technical and semi-technical terms clearly akin to Irish terms and reaching back to very primitive and elementary society. They are so elementary and non-technical in appearance that they greatly misled Rhÿs and Sir J. Morris Jones in his *Welsh Grammar*. If *ach ac edryd*, *amgyffred*, *cyffredin*, *cynydd*, *gweilydd*, *gwynwyr*, *mabinogi*, *tadcu* and such legal terms are explained according to the rules laid down or assumed by Rhÿs and his school, a student will find himself in a land where no self-respecting Celt of any age would feel at home among its institutions—where his own mother would be married to an 'abstract' father who in turn would be his own great-grandfather. Or he might be induced to regard a law-word with such a long ancestry as *mabinogi* as a late

creation of some unscrupulous forger and so let historic, social and literary institutions become the playthings of a wayward philology.

II. Side by side with these there are Roman borrowings—but so assimilated to Welsh that they are invariably treated as native. Words like *eiddig*, *gobaith* (and *paith*), *gweryd*, *gyr*, *pwyl*, *ystum*, etc., are only a few of many such which are of Roman origin though they have all been furnished with Celtic pedigrees.

III. There are Latin borrowings of another stratum, and most of these are easily recognisable. It is not clear whether *cyfraith* (law) itself is one of these borrowings. Rhys (Col. Cal. p. 5-6) equated it with *Cobrextio* of the Coligny calendar (the ref. given in W.G. 148 is wrong), but as the history of the latter is unknown and that of the former obscure, the equation is less than convincing. What appears to be an older and native word for law is used in the *Liber Landavensis*, etc.; I mean *gwir*. It may be the same word as *gwir* (true) but is used definitely there and elsewhere as a technical term, just as the Ir. *fir flatha* is used for *ordeal* (lit. = W. *gwir gwlad*, i.e. *truth of kingdom*). Who can say whether it was pressed to service to translate the Lat. *verdict* (vere dictum) or whether it is akin to those old Irish law words *urradus*, *uraicecht*? *Dyled* and *deddf* are also used for law but seldom in this sense.

IV. Four centuries of contact between Briton and Roman, and four more of Latin Christianity, make many of these borrowings inevitable. But there is a new difficulty. Some of the most fundamental and oldest law words of Hywel's Laws are of Teutonic origin.

'*Sarhaed*' (Ir. *sarugud*) (*wergild*), one of the most characteristic law words on both sides of the Irish Sea, is probably of Teutonic origin. *Arddel* appears to be another. The abstract *arddeliad* as frequently used in Mod. Welsh, i.e. 'God's favourable judgement upon or approval of' corresponds so nearly to the old technical meaning of Ger. *Urtheil* and Eng. *Ordeal* (not the *process* but the *result*) that it is impossible to dissociate them. Whether the series is Celtic or Teutonic the problem is no whit easier to solve.

Words like *boneddig*, *diadlam*, *dofod* (*dyfod*), *tu a thal*, *mab maeth*, etc., etc., belong to this stratum. They have been treated philologically and stamped as Celtic one and all—but no heed

was taken of their history. When the oldest Welsh Code dubs legal help like the English 'barrister' a 'bannister' (*canllaw*) who can say what is their mutual relation and whether English dictionaries tell all there is to tell of 'barrister'? Dr. Leo published the German Malberg glosses in 1842-5 as Celtic, and a MS. of the Salic Law was treated as Celtic Law, and Wotton treated a series of Welsh terms like *brawdwr*, etc., as English, but how many old Teutonic terms there are in Welsh Law and what they are or when introduced nobody can say yet.

Probert pleaded for the publication of the Codes in 1823. Maitland said seventy years later that until this was done scientifically, all comparison with Teutonic and Roman Law would be 'extremely dangerous.' Some Law Manuscripts are known to have perished, but from the meagre details given in the old lists it is very difficult to identify them, but still nearly 80 remain.

Wotton used a copy of a 'Cod. Leid,' but this is not given in 1912 Cat. of Lat. MSS. at Leiden, and Dr. Büchner, Keeper of the MSS., tells me that not only the MS. is no longer known there, but that it is not mentioned in the older catalogues and nothing is known of its fate.

Edward Lhuyd reports a Law MS. in the collection of Humphrey, Bishop of Hereford. The Cathedral Library at Hereford possesses a very valuable collection of MSS., but the Sub-Librarian informs me that there is no MS. of the Laws of Hywel Dda there and nothing appears to be known of the library of Lhuyd's episcopal friend.

On the other hand, some of these MSS. may be still in existence unknown to students. It is a pleasure to report one at Bishop Marsh's library in Dublin, and I am indebted to Dr. White the librarian for bringing it to my notice. True, it is a late MS., but that does not of necessity make it uninteresting, for a late MS. like Llanstephan 116 may contain sections invaluable for the study of Welsh social history and not found elsewhere.

The bibliography is meant for the student rather than the bibliographer. A considerable number of articles on Hywel Dda in biographical dictionaries and periodicals have been left out, as they were obviously only copies without any claim to originality.

## CATALOGUE OF THE MSS. OF THE LAWS OF HYWEL DDA

### (1) COLLECTIONS OF MSS :

ABERYSTWYTH : Llanstephan, Mostyn, M.L.W. Add. MSS.  
Panton, Peniarth.

CAMBRIDGE : Corpus Christi College, Trinity College.

CARDIFF : Free Library.

DUBLIN : Archbishop Marsh's Library.

LONDON : BRITISH MUSEUM. Additional MSS., Cotton MSS.  
(Caligula, Cleopatra, Titus, Vespasian), Harleian MSS.

OXFORD : Bodleian (Rawlinson), Corpus Christi, Jesus College,  
Merton College.

### (2) PUBLISHED TEXTS.

### (3) INDEX TO CATALOGUES ETC. REFERRED TO.

### (4) BIBLIOGRAPHY OF BOOKS, ETC. RELATING TO HYWEL DDA.

### (1) COLLECTIONS OF MSS.

#### ABERYSTWYTH NATIONAL LIBRARY

##### LLANSTEPHAN COLLECTION

MS. 26. Latin ; paper ;  $9\frac{1}{2} \times 6\frac{3}{4}$  in., 17 ff., xvij cent. transcript of the Corp. Christi Coll. (Cambr.) MS. Q xj. 2 ; *v. Rep.* II, 455 ; Cambridge Corp. Chr. Coll. *infra*.

MS. 29. Welsh ; paper ;  $8\frac{1}{4} \times 6$  in. ; 138 pp., defective, inter-leaved ; *circa* 1500 ; half bound. The Dimetian text of *Anc. Laws* I, pp. 408-590, corresponds pretty closely to this text ; *v. Rep.* II, 465.

MS. 67. Latin ; paper ;  $8 \times 6\frac{1}{2}$  in. ; 47 pp. ; half bound ; apparently a transcript of Peniarth MS. 28 by Moses Williams, A.D. 1722 ; *v. Rep.* II, 557, and Pen. MS. 28 *infra*.

MS. 68. Latin ; paper ;  $7\frac{5}{8} \times 5\frac{1}{2}$  in. ; 148 pp. ; *circa* A.D. 1613 ; half bound, pp. 1-107 are a transcript of Bodl. Rawl. MS. C.821 (*q.v. infra*). It contains also some excerpts from an old Welsh Law Codex and an exposition of some legal terms ; *v. Rep.* II, 557.

MS. 69. Welsh ; paper ;  $7\frac{1}{2} \times 5\frac{1}{2}$  in. ; 175 pp. ; calf. Copy of Cott. Titus MS. D.IX (*q.v.*), supposed to have been lost in the fire of A.D. 1731 ; *v. Rep.* II, 557.

MS. 70. Welsh ; paper ;  $7\frac{1}{2} \times 5\frac{1}{2}$  in. ; 361 pp. ; copied by P. W., A.D. 1663 ; leather bound ; *v. Rep.* II, 557.

- MS. 71. Composite MS. Welsh and Latin; paper; 392 pp. Excerpts from various Law MSS. transcribed by Moses Williams.
1. Transcript of a MS. communicated by Wm. Baxter 1714 (pp. 1-60); *v. Wotton*, Pref. p. xxx, MS. H.3 (Welsh).
  2. Transcript from B. Mus. Harl. 63 B. 20 (pp. 69-199); *v. Wotton*, Pref. p. xxx (Welsh).
  6. Transcript from B. Mus. Cott. Cleop. A. XIV (*q.v.*) (pp. 269-349) (Welsh).
  7. Transcript from B. Mus. Cott. Calig. A.iiij (*q.v.*) (pp. 356-392); *v. Rep.* II, 558 (Welsh).
- MS. 72. Welsh; paper;  $7\frac{1}{2} \times 5\frac{7}{8}$  in.; pp. 128; half bound; xvij cent. This claims to be a copy of Owain Meurig of Bodorgan's Law MS. That MS. is described by Wotton. Pref. p. 31 MS. M; *v. Rep.* II, 558.
- MS. 74. Welsh; paper;  $8\frac{1}{4} \times 6\frac{1}{2}$  in.; pp. 44; half bound; xvij cent. This claims to be variant readings and additamenta from "MSS. Gul. Williams Baronetti"; *v. Rep.* II, 558. For the Williams MSS., *v. Wotton*, Pref. p. xxxj. MS. Ll. (Llanforda MSS.). Many of the Law MSS. were from Wm. Maurice's Collection (*v. Cambr. Jour.* III, 122). They later passed into the Wynne Collection (*v. Anc. Law*, I, xxxv).
- MS. 75. Welsh; paper;  $7\frac{3}{8} \times 5\frac{7}{8}$  in.; pp. 186; xvij cent.; half bound. This claims to be a copy of Wm. Philip of Aberhodni's Law MS. *v. Rep.* II, 558. For Philips MSS. *v. Lhuyd Arch.* Preface and p. 258 col. b, also Wotton, Pref. xxxj, codex P.
- MS. 77. Welsh and Latin; paper;  $7\frac{3}{4} \times 5\frac{7}{8}$  in.; 180 pp.; half bound. Legal Additamenta by Moses Williams, *v. Rep.* II, 558.
- MS. 79. Welsh; paper;  $8 \times 6$  in.; half bound. Transcript partly in the hand of Dr. J. Dafydd Rhys; *v. Rep.* II, 559. *v. further Pen.* MS. 118; Wrexham MS. I, p. 461 (*Rep.* II, 359).
- MS. 116. Welsh; vellum;  $12\frac{1}{2} \times 8$  in.; 124 pp.; sec. half of xv cent.; half bound; *v. Rep.* II, 567. The text of MS. 116 was published for the Guild of Graduates of the University of Wales by Henry Sotheran 1912; *v. Lewis*, T. in *Bibliography infra*. For collation with *Anc. Laws*, *v. Vendryes*, *Rev. Celt.* 1913, pp. 330-3.

- MS. 121. Welsh ; paper ;  $11\frac{7}{8} \times 7\frac{1}{2}$  in. ; pp. 552 ; leather bound. Welsh Laws and Elucidations written by John Jones, Gelli Lyvdy before Sept. 25, 1619 ; *v. Rep.* II, 609.
- MS. 130. Short extract from the beginning of the Laws, *v. Rep.* II, 664, § 77.
- MS. 131. Latin ; paper ;  $13 \times 8$  in. ; 136 pp. ; xviii cent. ; half-bound. Given by Wotton to Moses Williams, A.D. 1724.
- MS. 151. Welsh ; paper ;  $12\frac{3}{8} \times 7\frac{1}{2}$  in., half-bound. Copy of B. Mus. Cott. Cleop. B.V. 2 (*q.v. infra*) ; *v. Rep.* II, 727.
- MS. 152. Welsh ; paper ;  $12\frac{3}{8} \times 7\frac{1}{2}$  in. ; half-bound ; A.D. 1721. Copy of B. Mus. Cott. Titus D. ii (*q.v. infra*) ; *v. Rep.* II, 727.
- MS. 153. Latin ; paper ;  $11\frac{1}{2} \times 7\frac{1}{4}$  in. ; half-bound. Copy from B. Mus. Cott. Vesp. E. XI (*q.v. infra*). Collated by Moses Williams, *v. Rep.* II, 728.
- MS. 174. Welsh ; paper ;  $8 \times 6$  in. ; 174 pp. ; first half of xvij cent., vellum bound. Copied from B. Mus. Cott. Titus D. ii (*q.v. infra*), *v. Rep.* II, 767.
- MS. 197. Latin ; paper ;  $12\frac{1}{4} \times 7\frac{1}{2}$  in. ; 89 pp. unfinished ; leather bound. Transcript of Pen. MS. 28 by William Maurice, Tynybraich. A.D. 1662 ; *v. Rep.* II, 781 and Index *infra*.

## MOSTYN COLLECTION

- MS. 211. Fragment of Welsh Laws of Hywel. Pp. 319–28 of a composite MS. written *circa* 1685 and formerly in the Gloddaeth Library ; *v. Rep.* I, 278–9.

## NATIONAL LIBRARY ADDITIONAL MSS.

- MS. 146, pp. 123–5, contains a transl. of the poem about Elidyr Mwynvawr found in law MSS. but no Law Text.
- MS. 345, pp. 103–5. Some extracts by Dafydd Ddu Eryri concerning Bardd Teulu and Pencerd.

## PANTON COLLECTION

- MS. 17. Welsh Excerpts from ‘Llyfr Gwyn o Hergest’ ; *v. Rep.* II, 824–5. For the history of the White Bk. of Hergest from the Lhuyd-Sebright Library, said to have been destroyed by fire in a Covent Garden bindery ; *v. Trans. Cymmrod.*, 1822, p. 175 ; *Cambro Brit.*, II, 203 ; *Cambr. Register*, III, 286 ; *Cambr. Journal*, III, 127 ; *Rep.* I, 1049 [Pen. MS. 225] ; II, 558 [Ll.M.S. 74] ; *Rep.* II, 1058 [B. Mus. Welsh MS. 32 ; *Anc. Laws*, I, p. xxxij. MS. D.

## PENIARTH COLLECTION

- MS. 28. Latin; Vellum;  $7\frac{3}{4} \times 6$  in.; 52 pp., last qr. of xij cent.; oak boards. This is the oldest known copy of the Laws of Hywel. It is the first MS. of Aneurin Owen's *Leges Wallicae* [*v. Anc. Laws*, I, p. xxxij] and the text is printed in *Anc. Laws*, II, pp. 749–814; *v. Rep.* I, 359. Transcripts by Moses Williams, Llanst. MS. 67; by Wm. Maurice, Llanst. MS. 197; *v. also* Lhuyd *Arch.*, p. 258 b; *Rep.* I, 359. For Lat. Prologue with transl., *v. Wade-Evans, Med. Law*, pp. l–li. Photographed by Dr. Gwenogvryn Evans for inclusion in his *Old Welsh Texts*.
- MS. 29. Welsh; vellum;  $7\frac{1}{2} \times 5$  in.; 104 pp.; imperfect; circa 1200; known as *Y Llyvyr Du* or *Weun* or The Black Book of Chirk. This is MS. A of *Anc. Laws* [for Collation, *v. Lewis, Glossary*, p. xxij] *q.v.* I. xxij–iij, xxv–vj. For Prologue and Collation, *v. Rep.* I, 359, Wade-Evans, *Med. Law*, lii–iii. B. Mus. Add. MS. 14931 is a transcript made when it was complete *v. Rep.* II, 944; *Anc. Laws*, I, p. xxvii. Collotype Facs. of Pen. MS. 29 published as vol. vj of Dr. J. G. Evans' *Old Welsh Texts*. For Glossary, *v. Lewis, Glossary of Med. W. Law*. For orthography, *v. Watkin, Trans. Cymmrodor*, 1918–19, pp. 194–216; *Annales de Bretagne*, 1927, pp. 408–17; and Loth, *Rev. Celtique*, XXXIX (1922), pp. 226–40.
- MS. 30. Welsh; vellum;  $7\frac{5}{8} \times 5\frac{7}{8}$  in.; 82 ff.; bi-columnar; incomplete; xij cent.; leather bound. For collation with *Anc. Laws* and possible relation to MS. F and Pen. MS. 29, *v. Rep.* I, 361. This MS. contains a ref. to Lleuyr y Ty Guyn (*The Whitland Book*).
- MS. 31. Welsh; vellum;  $7\frac{1}{8} \times 5\frac{1}{8}$  in.; 64 pp.; end wanting; first half of xiv cent.; coloured sectional initials and a few floriated; illegible in parts; vellum bound. For Collation with text of *Anc. Laws* and Prologue, *v. Rep.* I, 362. It is MS. R. of *Anc. Laws*, Dimetian Code, *v. p.* xxx.
- MS. 32. [Composite volume.] Welsh; vellum;  $8 \times 5\frac{1}{2}$  in.; Law Text occupies pp. 1–224; circa 1380; vellum bound; in same hand as *Mabinogion* of Red Book of Hergest. For Prologue, Collation with MS. D and relation to MSS. B.C.G. of *Anc. Laws* and to Peniarth MS. 30; *v. Rep.* I, 363; *Anc. Laws*, I, xxvij. Formerly in Wm. Maurice's *Deddfgrawn* (*v. Lhwyd Angh. Index infra*).

- MS. 33. Welsh; vellum;  $6\frac{3}{8} \times 3\frac{3}{4}$  in.; 186 pp.; early xv cent.; coloured sectional initials; gall-stained; vellum bound. For Prologue, Collation with MS. M of *Anc. Laws*, v. *Rep.* I, 366; *Anc. Laws*, I, xxx.
- MS. 34. Welsh; vellum;  $7 \times 5\frac{1}{2}$  in.; 132 pp. incomplete; gall-stained; xvj. cent., in hand of Roger Morys (?) (v. Pen. MS. 224); vellum bound. Formerly in Wm. Maurice's 'Deddfgrawn.' For Prologue, Collation with MS. F. of *Anc. Laws*, v. *Rep.* I, 367; *Anc. Laws*, I, xxviii.
- MS. 35 [Laws and Pleadings]. Welsh; vellum;  $5\frac{7}{8} \times 4$  in.; 119 ff.; last qr. of xiiij cent., in two hands; sectional initials in black and red; incomplete; leather bound. Called 'Llyfyr Cynawc' in Wm. Maurice's 'Deddfgrawn.' For Collation with MS. B of *Anc. Laws*, and relation to B. Mus. Cott. Titus, D. ii (q.v.), v. *Rep.* I, 368; *Anc. Laws*, I, xxviii.
- MS. 36A. Welsh; vellum;  $6 \times 4\frac{3}{4}$  in.; pp. ix+158 (many blanks); written after 1282; vellum bound. For Prologue and Collation with MS. O of *Anc. Laws* v. *Rep.* I, 369. *Anc. Laws*, I, xxx. Oldest MS. of Dimetian Code.
- MS. 36B. Welsh; vellum;  $5\frac{7}{8} \times 3\frac{7}{8}$  in.; 80 pp.; late xiiij. cent.; red initials; incomplete; bound with 36 c. in white vellum. For Prologue and Collation with MS. N of *Anc. Laws*, v. *Rep.* I, 370, *Anc. Laws*, I, xxx.
- MS. 36C [Fragments]. Welsh; vellum and paper;  $5\frac{1}{2} \times 4\frac{1}{4}$  in.; 88 pp.; late xv and xvj cents., bound with 36B. For collation with MS. C of *Anc. Laws*, v. *Rep.* I, 370. For relation to MS. A, v. *Anc. Laws*, I, xxxij.
- MS. 37. Welsh; vellum;  $5\frac{3}{8} \times 4\frac{1}{8}$ ; 156 pp.; late xiiij cent.; sectional initials and rubrics; gall-stained; pigskin bound. For Prologue and Collation with MS. U of *Anc. Laws*, v. *Rep.* I, 371. It is the Gwentian Code of *Anc. Laws*, v. I, xxxi. The text of ff. 61A-76B with Engl. trans. was published by A. W. Wade-Evans in *Y Cymmrodor* xvii (1904), pp. 129-163, v. Wade-Evans, *Welsh Med. Law*, p. xviij.
- MS. 38. Welsh; vellum;  $5\frac{3}{8} \times 4\frac{3}{8}$  in.; pp. iv.+138; incomplete; xv cent. (?); vellum bound. For Prologue and Collation with MS. I of *Anc. Laws* and MS. 36A above; v. *Rep.* I, 372.
- MS. 39. Welsh; vellum;  $4\frac{7}{8} \times 3\frac{5}{8}$  in.; ff. iv.+78; circa 1500; formerly in Wm. Maurice's 'Deddfgrawn.' For relation to B. Mus. Cott. Titus D. ii, to Pen. MSS. 32, 35 and collation with *Anc. Laws*, v. *Rep.* I, 373.

- MS. 40 (Composite MS.). Welsh; vellum;  $6\frac{1}{4} \times 4\frac{3}{4}$  in.; circa 1469; gall stained; initials and titles in red; leather bound. The Laws occupy pp. 21–234. For Prologue, Collation with MS. K of Anc. Laws and relation to B. Mus. Cott. Caligula A iii (*q.v. infra*) and Pen. MS. 32, *v. Rep. I*, 373; *Anc. Laws*, I, xxx, MS. K.
- MS. 118. Short excerpts from the Welsh Laws in hand of Dr. J. Dafydd Rhys, *v. Rep. I*, p. 725, s.p. 909, and some illustrative material for a *Glossary of the Laws*, p. 721.
- MS. 163. Welsh fragments; xvj cent., *v. Rep. I*, 954–6.
- MS. 164. Welsh (glosses); vellum;  $6\frac{3}{4} \times 5$  in.; pp. 162; incomplete; early xv cent.  
 ‘This MS. is H of Anc. Laws and the text is professedly printed in vol. II, 568–742, which is in reality taken from a copy in Pen. MS. 278,’ *v. Rep. I*, 956–7; *Anc. Laws*, I, xxix.
- MS. 165 (Composite MS.). Welsh; paper;  $7\frac{3}{4} \times 5\frac{7}{8}$  in.; ff. 187; written between 1586–1622. The Law text occupies ff. 7–96. Transcript of B. Mus. Harl. 4353 (*q.v.*) and Cleop. B.V. (*q.v.*); *v. Rep. I*, 957.
- MS. 166 [Extracts and Pleadings]. Welsh; paper;  $8\frac{3}{4} \times 5\frac{7}{8}$  in.; pp. 3–114; xvj cent.; half-bound; imperfect. For relat. to *Anc. Laws*, II, 306, etc., *v. Rep. I*, 959.
- MS. 167. Latin; paper;  $7\frac{3}{4} \times 6$  in.; ff. 11–61; in hand of R. Vaughan. Transcript of Bodl. Rawl. MS. C. 821; *v. Rep. I*, 959–60.
- MS. 175 [Laws and Pleadings]. Welsh; vellum;  $6\frac{3}{4} \times 5\frac{7}{8}$  in.; 88 pp.; gall-stained; late xv cent.; leather bound. Formerly owned by Sir T. Wiliems and Bishop Morgan. For Collation with MS. A of Anc. Laws, *v. Rep. I*, 970; *Anc. Laws*, I, xxxij.
- MS. 224 [Composite MS.] Welsh; paper;  $7\frac{5}{8} \times 5\frac{5}{8}$  in.; in hand of John Jones, Gelli Lyvdy, A.D. 1604–6; leather boards. Laws occupy pp. 1–751. For Prologue, Collation with MS. B of Anc. Laws and relat. to B. Mus. Cott. Titus D. ii (*q.v.*); to Caligula A, iii, and Pen. MS. 163, *v. Rep. I*, 1046–7.
- MS. 225. Latin; Extracts, etc. in the hand of Sir T. Wiliems (1594–1610), *v. Rep. I*, 1049.
- MS. 252. Welsh; Fragments in the hand of Dr. J. Dafydd Rhys, *v. Rep. I*, 1070.
- MS. 256. Latin; paper;  $12\frac{1}{4} \times 8\frac{3}{8}$  in.; 65 ff.; imperfect; sec. half of xvi cent.; sewn. Used by W. Salesbury and

- Wm. Maurice. For relat. to B. Mus. Cott. Vesp. E. xi (*q.v.*), *v. Rep.* I, 1072.
- MS. 258. Welsh; paper;  $10\frac{7}{8} \times 8\frac{1}{8}$  in.; pp. 282; end wanting; 2nd half xv cent.; leather bound. For collation with Anc. Laws MS. C and relation to Wotton's MS. S.3, *v. Rep.* I, 1073.
- MS. 259A. Welsh; vellum;  $11 \times 7\frac{7}{8}$  in.; ff. 46; bicolumnar; end wanting; last qr. xv cent.; bound with MS. 259B; leather bound. For Prologue, relation to MS. P. of Anc. Laws and to Pen. MS. 258, *v. Rep.* I, 1074. Formerly in Wm. Maurice's 'Deddfgrawn.'
- MS. 259B. Welsh; paper;  $11 \times 8$  in.; ff. 108; imperfect; bicolumnar; in two hands; first half of xvj cent.; bound with MS. 259A, leather bound. This is MS. Z of Anc. Laws (*v.* I, xxxij). For Prologue, relation to B. Mus. Harl. 4353 (*q.v.*) *v. Rep.* I, 1074-5, Wade-Evans, *Welsh Med. Law*, p. xvi. Once in possession of Constable of Pontefract, *v.* note, *Rep.* I, 1075.
- MS. 270. Extracts from Welsh Laws in hand of Dr. J. Dafydd Rhys, *v. Rep.* I, 1094, § 309.
- MS. 271. Fragment of Gwentian Code, in hand of R. Vaughan, *v. Rep.* I, 1095-6.
- MS. 278. Transcript by R. Vaughan of Pen. MSS. 29 and 164. For Prologue and relat. to MS. H. of Anc. Laws, *v. Rep.* I, 1098. For relat. to Llanst. MS. 121, *v. Rep.* II, 609.

## CAMBRIDGE

## CORPUS CHRISTI COLLEGE

(usually referred to ST. BENED or ST. BENEDICT in Welsh writings).

- MS. 454=Q. xj. 2. Latin and Welsh; vellum and paper;  $6\frac{9}{10} \times 7$  in.; fol. 66; xv cent.; paper wrapper; formerly in Archbp. M. Parker's Library. MS. CCCC of Wotton (Preface p. xxix). Llanst. MS. 26 is a xvij cent. transcript of this, *v. Rep.* II, 455; I, 733 (Pen. MS. 120, § 442); James, Corpus Christi MSS., II, 376-7.

## TRINITY COLLEGE

- MS. 1303. Latin; paper;  $14\frac{1}{4} \times 9\frac{1}{4}$  in.; ff. 31; 42 ll. to a page; xvij cent. transcript of an Hengwrt MS. *v.* James, Western MSS. in Trin. Coll., III, p. 324.

- MS. 1329. Welsh; vellum;  $6\frac{7}{8} \times 4\frac{1}{2}$  in.; ff. 68; 24 ll. to a page. Early xiv cent.; front page discoloured; rude pen drawings of peacock, dragon, etc., *v. James*, Western MSS. in Trin. Coll., III, 345.

## CARDIFF

## FREE LIBRARY

- MS. 2. Welsh; vellum;  $7\frac{3}{8} \times 5\frac{3}{8}$  in.; ff. 2-73: (?) early xvj cent.; rubricated initials; leather boards. Direct transcript of B. Mus. Cott. Titus D. ix, cannot be earlier than *circa* 1475. *Rep.* II, 92, but *v. Powel et Ballinger*, p. 24, where it is attributed to the xijj cent. Formerly in Philips' Collection.
- MS. 26. Composite vol. of 3 versions, 2 Welsh and 1 Latin; paper;  $8 \times 6\frac{1}{4}$  in.; *circa* 1714; pp. 214.
- (a) Transcript of Harl. 4353, formerly owned by W. Baxter and Moses Williams, pp. 214 *sqq.* (*q.v. infra*).
- (b) Transcript of Harl. 958, pp. 277 *sqq.* (*q.v. infra*).
- (c) Transcript of Harl. 1796, pp. 377 *sqq.* (*q.v. infra*).

## DUBLIN

## ARCHBISHOP MARSH'S LIBRARY

- Leges Howelli . . . Principis totius Cambriae . . . A.D. 922; paper;  $21.5 \times 15.8$ . "The owner's note shows it is not later than 1616." Press Mk. Z4.4.12. Loftus MSS. White Catal., p. 84.

## LONDON: BRITISH MUSEUM

## ADDITIONAL MSS.

- MS. 14931 [=B. Mus. Welsh MS. 4]. Welsh; vellum;  $7\frac{3}{8} \times 5\frac{1}{8}$  in.; ff. 104; mid. xijj cent.; rubricated sectional initials; leather boards. This is MS. E of Anc. Laws (*v. I*, xxvii, for description) formerly belonging to the Welsh School. Modified transcript of Pen. MS. 29, but contains parts missing in original (*v. Rep.* I, pt. ii, pp. vij-vii; II., pt. iv, p. iv) used by Dr. J. G. Evans to fill up lacunae in the Facs. Ed. of *Black Book of Chirk*. For Prologue and Colla-

tion *v. Rep.* II, 944 ; *v. also Trans. Cymmrod*, 1822, p. 178 ; *Myv. Arch.* 753, col. b.

- MS. 22.356 [=B. Mus. Welsh MS. 9]. Welsh ; vellum ;  $9\frac{3}{4} \times 6\frac{3}{4}$  in. ; ff. 149 ; late xv cent. ; leather boards. This is MS. S2 of Wotton (*v. pref.* p. xxxj) ; MS. S. of Anc. Laws (*v. I*, xxxi). For Collation with Anc. Laws MS. S., *v. Rep.* II, 948-9.

## COTTON MSS.

- MS. CALIGULA A. iii [=B. Mus. Welsh MS. 5]. Welsh ; vellum ;  $8\frac{5}{8} \times 6\frac{3}{8}$  in. ; ff. 149-198 b. ; imperfect ; bi-columnar ; *circa* mid. xij cent. ; rubricated sectional initials. Transcript of Pen. MS. 29. For relation to MS. C. of, and collation with text of Anc. Laws and variation from Pen. MS. 29, *v. Rep.* II, 945 ; II, pt. iv, p. 4. This is Cott. 2 of Wotton, who used it extensively ; *v. Leg. Wall.* (pref. p. xxix). Llans. MS. 71 is a transc. by Moses Williams. *Anc. Laws*, I, xxvij, *Rep.* I, 1047, etc., wrongly describe it as Harleian. Acc. to Cat. Cott. MSS. (1802) it belongs to xiv cent. For Facs., *v. p.* 84 of Evans, *Facs. of Black Book of Chirk*.
- MS. CLEOP. A. xiv [=B. Mus. Welsh MS. 11]. (Composite vol.) Welsh ; vellum ;  $6\frac{1}{2} \times 4\frac{3}{4}$  in. ; ff. 33-106 ; first qr. xiv cent. ; calf-bound. This is MS. W. of Anc. Laws (*v. I*, xxxi) and Cott. 6 of Leg. Wall. [*v. preface*, p. xxix]. For Prologue and relation to Harl. MS. 4353, *v. Rep.* II, 950. Llanst. MS. 71 is a transcript, *v. Rep.* II, 558. Described and partly used by Wade-Evans, *v. Med. Law*, xiv-xv.
- MS. CLEOP. B.V. [=B. Mus. Welsh MS. 15]. (Composite vol.) Welsh ; vellum ;  $7\frac{1}{2} \times 5\frac{1}{4}$  in. ; ff. 250 ; the Laws occupy ff. 165-221 ; *circa* 1350 ; coloured floriated initials with 5 of them illuminated ; leather bound. This MS. is X of Anc. Laws. For Prologue and Collat. with Anc. Laws, *v. Rep.* II, 954. Acc. to *Cambr. Reg.*, I, 193, and Probert, p. 273, this MS. was not used by Wotton, but *v. Leg. Wall.* Pref. p. xxix, s. Cott. 5. MS. described also by E. Owen, B. Mus. No. 90 (c) ; Wade-Evans, *Med. Law*, pp. xvij-xix ; Planta, Cott. MSS. Catal. (1802). Text printed *Cambr. Reg.* I, 194 *sqq.* ; II, 328 *sqq.* ; *Cambr. Brit.* II, 248 *sqq.*
- MS. TITUS D ii. [=B. Mus. Welsh MS. 6]. (Wrongly described by Anc. Laws, Lloyd, etc. as Harleian.) Welsh ; vellum ;  $6\frac{3}{4} \times 5\frac{1}{8}$  in. ; ff. 73 ; written *circa* 1282 ; large initials in red ;

calf-bound. This MS. is Cott. 4 and largely used by Wotton (Pref. p. xxix) and MS. B of *Anc. Laws* (v. I, pp. xxvi-ij). For Prologue and Collation with *Anc. Laws*, v. *Rep.* II, 946-7. It is described also by E. Owen (No. 82); Planta (Cat. Cott. 1802); J. E. Lloyd (in Lewis, H., p. vi); *Rep.* II, pt. iv, p. iv. Llanst. MSS. 152, 174 are transcripts. For Facs. v. Evans, *Black Book of Chirk*, p. 135, ll. 3-11.

MS. TITUS D. ix. [= B. Mus. Welsh MS. 7.] Welsh; vellum;  $6\frac{1}{2} \times 4\frac{1}{2}$  in.; ff. 88; 2nd qr. of xiv cent.; large initials in red; calf bound. This is MS. L of *Anc. Laws* 'most ancient and complete of the Dimetian form'; v. I, p. xxx. *V. also* Ed. Owen (No. 83); Planta (Cott. MSS. Catal. 1802). According to Moses Williams this MS. was lost in the fire of 1731 (v. *Rep.* II, 557, Llanst. MS. 69, which is a transcript of it). An edition is in preparation by Prof. P. Walsh, Maynooth.

MS. VESPASIAN E. xi. 1. [= B. Mus. Welsh MS. 12] (Composite vol.) Latin; vellum;  $7 \times 5\frac{3}{8}$  in.; law text occupies ff. 1-43; written *circa* 1250; rubricated, and large coloured initials; half-bound. Acc. to *Anc. Laws*, I, xxxiiij, it belongs to early xiv cent., so E. Owen (No. 64). Used by Wotton (v. pref. p. xxix), printed in *Anc. Laws*, II, 814 *sqq.*, v. further *Rep.* II, 728 (Llanst. MS. 153); II, 951; Planta (Cott. Cat.).

#### HARLEIAN MSS.

MS. 958 [= B. Mus. Welsh MS. 8]. Welsh; vellum;  $6\frac{1}{4} \times 4\frac{1}{4}$  in.; ff. 60; stained and imperfect; large coloured initials; early xiv cent.; written in same style as *Mabinogion* of Pen. MS. 4; half bound. For collation with MS. T of *Anc. Laws*, v. *Rep.* II, 948, v. *also Anc. Laws*, I, p. xxxi.

MS. 1796 [= B. Mus. Welsh MS. 13]. Latin; vellum;  $6\frac{1}{4} \times 3\frac{7}{8}$  in.; pp. 40; imperfect; first half of xiiij cent.; large red initials; calf-bound. This is Lat. MS. 3 of *Anc. Laws* and is published in II, pp. 893 *sqq.* (v. I, xxxiiij), v. *Rep.* II, 951; 221, § 277.

MS. 4353 [= B. Mus. Welsh MS. 10]. Welsh; vellum;  $7\frac{3}{4} \times 5$  in.; ff. 43; large initials in red; *circa* 1285; half bound. 'This is the oldest and most important MS. of the "Gwentian" version of the Laws, the V of *Anc. Laws*,' *Rep.* II, 949. For collation with *Anc. Laws*, v. *Rep.* II, 949; *Anc. Laws*, I, xxxi.

## OXFORD

## BODLEIAN LIBRARY: RAWLINSON MSS.

- MS. B.479 [Excerpts]. Vellum; 4to; ff. 120; xvij cent.; formerly owned by James Ware, the Irish historian, by the Earl of Clarendon, etc. 'Excerpts from the Laws of Howel Dda from MSS.' in the Cotton Lib., and Bened. Coll., Cambridge, *v. Macray Catal.*, 1862.
- MS. C.821. Latin; vellum; small 12mo; ff. 173; end of xiiij cent. Formerly in possession of Selden, Ed. Lhuyd, T. Sebright, Moses Williams. 'Written as Mr. Wanley supposes in or about the time of Ed. ii M(oses) W(illiams),' *v. Macray, Catal. Oxf. MSS.*, 1862. Acc. to *Rep.* I, 959 and II, 557, Pen. MS. 167 and Llanst. MS. 68 are transcripts of this.

## CORPUS CHRISTI COLLEGE

- MS. CCLVI. Excerpts. Parchment; ff. 156; xvi-xvij cents. (*v. Coxe, Cat. Cod. MSS.* 1852, p. ii).

## JESUS COLLEGE

- MS. LVIJ [=Welsh MS. 4]. Welsh;  $6\frac{7}{8} \times 4\frac{3}{8}$  in.; pp. viij  $\times$  308; rubricated sectional initials; *circa* 1400; apparently in same hand as Pen. MS. 32 and parts of Red Book of Hergest. This is MS. J of *Anc. Laws* (*v. p.* xxix; *M.A.*, p. 1012). For Prologue and Collation with *Anc. Laws*, *v. Rep.* II, pp. 34-5; *v. also* Coxe, *Cat. Codd. MSS.* II, lvij. Wotton (pref. p. xxx).

## MERTON COLLEGE

- MS. CCCXXIIJ. Latin; parchment; ff. 53; xvi cent., 'Bibliothecae Mert. donavit dominus Thomas Clayton, eques auratus, et Collegii hujus custos.' Mar. 2, 1680. This MS. is the 'Mert.' of Wotton (*v. preface*, p. xxxj) and *Anc. Laws* (*v. I.* xxxiv).

## (2) PUBLISHED TEXTS

1. Cyfreithjeu Hywel Dda ac Ereill, seu Leges Wallicae Ecclesiasticae & Civiles HOELI BONI et Aliorum Walliae Principum. . . . Gulielmus Wottonus, S.T.P. Adjuvante Mose Gulielmio, A.M.R.S. Soc. . . . Londini: Typis Gulielmi Bowyer. MDCCXXX. Pp. lvij+586.

According to Wotton himself (Pref., p. xxix) his Welsh text is based upon Cott. Titus D. II with variant readings supplied mainly from Brit. Mus. MSS. (list given in his Preface):

Lib. I. Pp. 3-72, Cyfreithjeu y Llys Beunyddjawl.

„ II. Pp. 73-185, Cyfreitheu y Wlad.

„ III. Pp. 186-297, Tair Colofn Cyfraith. Llyfr Prawf.

„ IV. Pp. 298-417, Trioedd Cyfraith.

„ V. Pp. 418-514, Llyfr Cynghawsedd.

Pp. 515-550, Charters.

Pp. 553-586, Glossary (by Moses Williams).

Index (20 pp.).

The Welsh text is printed on the inside column of every page and a Latin translation on the outside column.

2. *Concilia Magnae Britanniae et Hiberniae*, etc. 4 vols. 1736, London. D. Wilkins. Vol. I, pp. 208-212, contains extracts from Wotton's Edition, Bk. I, chapters xij, xxix; Bk. II, chapters viij, ix, xxviij.
3. *Cambrian Register*. Ed. William Owain Pughe, 4 vols. i-iiij (1795-1818). Vol. i (1795), pp. 193-238; vol. ii (1796), pp. 328-365 contain a Welsh Text and an Engl. translation. The prefatory note says the text is from B. Mus. Cott. Cleop. B.V. and published because it was one of the fairest and not used by Wotton.
4. *Myvyrian Archaeology of Wales*. 3 vols. 1801-8, London. Vol. iiij, pp. 361-437, contains the Laws of Hywel Dda 'according to an old copy belonging to the Welsh School, London,' p. 361. 'From a xij cent. MS.' acc. to vol. III, p. vij. This text is printed in an orthography which uses a system of diacritical marks and makes it difficult to read. No translation is given. (v. No. 7 *infra*).
5. *Cambro-Briton*. Ed. J.H. Parry. 3 vols. 1819-22. Contains an Engl. translation of H. Dda's Laws 'extracted from the Cambrian Register, Vol. I, II,' with a few verbal changes.

Vol. II: (a) pp. 249–256, (b) 295–304, (c) 342–349, (d) 393–399, (e) 439–445. Vol. III (based upon M.A. text, v. pp. 195–6): (a) 196–201, (b) 259–264, (c) 323–328.

6. *Ancient Laws and Institutes of Wales*. . . . Commissioners of the Public Records (Ed. Aneurin Owen). London, 1841. (Issued in 1 vol. Fol. and 2 vols. Quarto.)

According to A. Owen's indications in the Pref. and the texts the 850 pp. of Welsh and Latin texts are arranged thus:—

Vol. I:

Venedotian Code, pp. 1–335, from Black Book of Chirk.  
Dimetian Code, pp. 338–617, from B. Mus. Cott. Titus D.ix.  
Gwentian Code, pp. 620–797, from MS. U (Peniarth MS. 37).

Vol. II, Anomalous Laws:

Pp. 1–39 from B.B. Chirk; pp. 38–97 from Pen. MS. 32.  
Pp. 98–121=Pen. MS. 166; pp. 120–127=Pen. MS. 40.  
Pp. 127–173=Pen. MS. 35; pp. 174–189=Pen. MS. 30.  
Pp. 188–211=Pen. MS. 32; pp. 210–305=Pen. MS. 175.  
Pp. 304–7=Pen. MS. 36c; pp. 306–395=Pen. MS. 166.  
Pp. 396–451=B. Mus. Add. MS. 22.356; pp. 450–69=various MSS.; 469–75=Gutyn Owain's MS.; pp. 474–567=Thomas ab Ivan's MS. (1685); pp. 568–743=Pen. MS. 164; pp. 749–814=Pen. MS. 28; pp. 814–892=B. Mus. Cott. Vesp. E. xi, pp. 893–907=B. Mus. Harl. 1796.

7. *Myvyrian Archaeology*. 1 vol. Ed. 1870. Gee, Denbigh, pp. 964–1010. 'Cyvreithiau Hywel Dda yn ol hen Gyfysgrif o eiddo Ysgol y Cymry yn Llundain.' A note on p. xix of this edition says that the text was written by Dr. Pughe in a lettering of his own device, which must needs be explained separately. This has been accepted as true by subsequent writers, but it does Dr. Pughe a grievous wrong. In this edition the letters have been reproduced, but all the diacritical marks, etc., have been dropped, so that it is impossible to say what it represents.
8. *Councils and Ecclesiastical Documents Relating to Great Britain and Ireland*. A. W. Haddan and W. Stubbs. 1869–1871. According to vol. I, pp. xj, 211, the Welsh Law texts are taken from Aneurin Owen's *Anc. Laws*. Extracts from the Codes of Gwynedd, Dyfed and Gwent are printed in 3 columns on each page with translations on the opposite page.

- Pp. 212–283, 634–661. Appendix A, ‘Canones Wallici.’ [‘From the recurrence almost verbatim of several canons of the Collections in this Latin abridgement of the Laws of Howel Dda (x cent.) which seems to imply them to have been among the older laws, which were worked up into Howel’s Code’].
9. Gweirydd ap Rhys: *Hanes y Brytaniaid ar Cymry*, vol. I, pp. 466–479, published a précis of H. Dda’s Laws.
  10. A. W. Wade-Evans: Text of fols. 61–76 of Pen. MS. 37, with an English translation. *Y Cymmrodor*, xvij (1904), pp. 129–163.
  11. Procedure in a Suit for Landed Property from . . . the *Black Book of Chirk* . . . with a normalised text by J. Strachan, pp. 208–221 of Strachan’s *Introduction to Early Welsh*. Manchester, 1908.
  12. *Welsh Mediaeval Law*, being a text of the Laws of Howel the Good, namely the Brit. Mus. Harl. MS. 4353. (Text, transl. and notes.) A. W. Wade-Evans. Oxford, 1909.
  13. *Llanstephan MS.* 116. (Text diplomatically reproduced.) Timothy Lewis. Guild of Graduates, 1912.
  14. *Facsimile of the Chirk Codex of the Welsh Laws* (with Lacunae filled in from the B. Mus. Add. MS. 14931), ed. J. Gwengvryn Evans, Llanbedrog. Collotyped, 1903. (Issued 1921.)

(3) INDEX TO THE CATALOGUES, REPORTS, LISTS, ETC.  
OF MSS. REFERRED TO IN THIS CATALOGUE

*Anc. Laws* : Aneurin Owen's description of the 35 MSS. used by him in his *Anc. Laws*, v. vol. I, pp. xxv-xxxiv.

*Arch. Camb.* : 1861 (pp. 164-8), 1869 (pp. 209-225, 352-378), 1870 (pp. 75-100, 323-40), 1871 (pp. 101-139) (*Catal. of Hengwrt and Peniarth MSS.* by W. W. E. Wynne).

Bened : Corpus Christi Coll., Cambridge, is generally referred to as 'St. Bened' by the older writers on MSS.

Birch : List of Welsh MSS. exhibited to the Cambrian Association, Oct., 1899. *Arch. Camb.*, Ser. V, vol. 6, pp. 286-7.

Cambridge : for *Catal.* v. James, M. R., *infra*.

*Cambr. Brit.* (v. Bibliography).

*Cambr. Jour.* (v. Bibliography). Cat. of MSS. destroyed by fire. Vol. 1858, pp. 122-7 (8 Law MSS.); III, 276-96 (23 Law MSS.).

*Cambr. Reg.* : (v. Bibliogr.). Vol. iij, pp. 278-315 (*Catal. of MSS.*).

*Catal. Peniarth* : Pen. MSS. 533, 534, 536 contain interesting lists of Hengwrt and Peniarth MSS. and there are many references to Law MSS.

Corpus Christi : *see under* Cambridge and Oxford.

Cotton MSS. in Brit. Museum, v. Planta.

Coxe, *Cat. Cod. MSS.* : *Catalogus Codicum MSS.* (Oxford), etc. H. O. Coxe, Pts. I, II, 1852.

*Cymmrodorion Transactions* (1822) p. 175 (1828) Catalogue of N.W. MSS. ; (1843) pp. 403-16.

Deddfgrawn v. Maurice.

Evans, J. Gwenogvryn, v. *Rep.* (*infra*) ; *Welsh People* (Appendix D+note).

Hardy, T. Duffus (v. Bibliography), W. Law MSS., vol. I, pt. II, 662-4.

Harleian MSS. v. London, B. Museum.

Hengwrt : R. Vaughan's MSS. now in Peniarth Collection, Nat. Lib. of Wales. For list of Hengwrt MSS. v. *Rep.* I, pp. 997-8, 1129-30. W. Maurice's *Catal.*, *Cambr. Reg.* III, 278 *sqq.* ; Wotton, pref. p. xxxij ; A. Owen's *Catal.*, *Cambr. Jour.* III, 276-96.

James, M. R. : Dr. M. R. James series of Catalogues of MSS. in Cambridge College Libraries.

- Lhuyd, E. : *Archaeologica Brit.* Title, vi, p. 225, Title vij, p. 258, col. 2.
- Llanforda MS., now in the Peniarth MSS, *q.v.* (*v. Anc. Laws*, I, xxxv ; Wotton, xxx-i ; *Cambr. Jour.* III, 122).
- Llanstephan MS., now in the Nat. Library of Wales, *v. Rep.*
- Lloyd, J. E. : Pref. to H. Lewis, *Ancient Laws of Wales.*
- Llwyd, Angharad : (a) Catal. of MSS. in North Wales (*Trans. Cymmrodor*, 1828) ; (b) Catal. of MSS. destroyed in Wynn-stay fire (*Cambr. Jour.* III, 122-7). (8 Law MSS. destroyed.)
- M.A. *v. Myv. Arch. in Bibliography.*
- Macray : Catalogue of Oxford MSS, 1862.
- Marsh, *v. White.*
- Maurice, W. : Wm. Maurice, Cefn-y-Braich, Llansilin, Catal. of Hengwrt MSS., *Cambr. Jour.*, III, 278 *sqq.* He referred to his Law MSS. as 'Deddfgrawn.' *v. also Cambr. Jour.* III, 122.
- Mostyn MSS., now in the Nat. Lib. of Wales.
- Myvyr, O. MSS., now in the Brit. Museum. For history and Catalogue by Pughe, *v. Trans. Cymmrod.*, 1822, pp. 177-202.
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- Panton MSS. : Panton Collection in the Nat. Lib. of Wales.
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- Probert, W., *v. Bibl.*
- Pughe, W. O. : On O. Myvyr's Collection of MSS. *Trans. of Cymmrodor*, 1822, pp. 178 *sqq.*
- Rec. Carn.* : *The Record of Caernarvon.* H. Ellis. Record Commissioners, 1837.
- Rep.* : *Report on MSS. in the Welsh Language* (Histor. MSS. Commission), 2 vols. Mostyn, Peniarth, Jesus College,

Cardiff, Havod, Wrexham, Llanwrin, Merthyr, Aberdar, Llanstephan, Panton, Cwrtmawr, British Museum, by J. Gwenogvryn Evans.

Sebright, T. : The Ed. Lhuyd MSS. Destroyed by fires and dispersed. Some in Trinity College, Dublin, some in Brit. Mus., etc.

Trinity MSS. v. James, M. R.

Wade-Evans, A. W. : *Introduction to Welsh Med. Law*, q.v.

Wanley in Hickes' *Thesaurus*.

Welsh School MSS. now in the British Museum.

White, N. J. D. : *Catalogue of MSS. in Archbp. Marsh's Library*, Dublin (N.D.).

Williams Llanforda, v. Llanforda.

Williams, Moses : Wotton's assistant in editing *Leges Wallicae*, and author of the Glossary at the end. Many of his transcripts are in the National Library of Wales.

Wotton : Preface (unpaged) to *Leges Wallicae*, where his MSS. are described.

Wynn MSS. : Peniarth MSS. now in the Nat. Library of Wales, v. *Rep.*

(4) BIBLIOGRAPHY OF BOOKS AND ARTICLES  
RELATING TO HYWEL DDA AND HIS LAWS

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- Bowyer: Cwrtmawr MS. 25. Contains extracts from the anecdotes of Bowyer (Wotton's Publisher) re Wotton and his *Leges Wall*.
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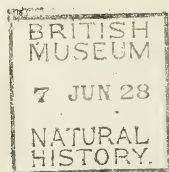
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